



W.P.(MD)No.19586 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.19586 of 2024

P.Govindaraju

... Petitioner

Vs.

1.The Director General
Office of the Director General of Highways Department
No.25, Sarthar Vallapai Patel Road
Guindy
Chennai – 25

2.The Divisional Engineer
Highways Department
Construction and Maintenance
Panagal Building
Market Road
Thanjavur District

3.The Assistant Divisional Engineer
Highways Department
Construction and Maintenance
Sub Division, Thanjavur
Thanjavur District

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for a Writ of Mandamus to direct the respondents to fix the petitioner's



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salary and other benefits as per 6th pay commission in view of G.O.Ms.No.340, Finance (Pay Cell) Department dated 26.08.2010.

For Petitioner : M/s.M.Benazir Begum

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Junior Assistant working in the second respondent office seeking a mandamus to direct the respondents to fix the salary and other benefits as per 6th pay commission in view of G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010.

2.From the records, it could be seen that the petitioner had appeared for a competitive examination conducted by Tamil Nadu Public Service Commission pursuant to a notification dated 06.12.2007. The examination was conducted on 17.02.2008 and the results were published on 16.07.2008. Since several candidates were declared pass in the said examination, they could not be accommodated by the Government in the regular sanctioned post. The Government had directed the candidates to wait for identifying the vacancy in various departments. Ultimately, the petitioner was issued with an appointment



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order on 21.01.2010 in the office of the Divisional Engineer, Ariyalur Division, Ariyalur District.

3.The petitioner had further contended that the Government has issued G.O.Ms.No.234 Finance (Pay Cell) Department dated 01.06.2009 accepting the 6th pay commission recommendation. In order to rectify the pay anomaly, an One Man Commission was appointed. Accepting the report of the One Man Commission, G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 came to be issued wherein the benefits under 6th pay commission was extended to all those who were selected prior to 01.06.2009 and appointed on or after 01.06.2009 due to administrative reasons.

4.The learned counsel for the petitioner contended that the petitioner having been selected prior to 01.06.2009, but appointed in the year 2010 is entitled to the said benefit. Hence, the petitioner has given a representation to the respondents on 19.07.2024. Since there is no response, the present writ petition has been filed.

5.Per contra, the learned Additional Government Pleader appearing for the respondents herein relying upon Paragraph No.22 of the counter had contended that there is no provision in the Tamil Nadu Revised Scales of Pay Rules, 2009 to



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sanction pay and allowances prior to the date on which a Government servant joins duty. Therefore, the petitioner having joined duty in the year 2010, cannot claim any monetary benefit based upon G.O.Ms.234 Finance (Pay Cell) Department, dated 01.06.2009 or G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010.

6.I have considered the submissions made on either side and perused the material records.

7.The present writ petition has been filed seeking benefits under G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010. A perusal of the above said G.O.reveals that the benefits under the 6th pay commission are extended to all those who were selected prior to 01.06.2009 but who were issued with an appointment order after 01.06.2009 due to administrative reasons. The case of the petitioner squarely falls within the parameters laid down under the above said Government Order. However, the petitioner would be entitled to the monetary benefits of the above said Government Order only from the date on which they have joined duty.



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8. With the above said clarifications, the writ petition stands allowed. No costs.

12.12.2024

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

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