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W.P.No.6510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.6510 of 2022
and WMP.No.6586 of 2022

S.Agoram

... Petitioner

Vs

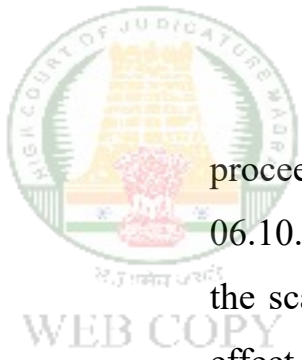
1.The State of Tamil Nadu
Rep by its Principal Secretary
Public Works Department
Secretariat, Chennai – 600 009.

2.The Chief Engineer (General)
Public Works Department
Chepauk, Chennai – 600 005.

3.The Chief Engineer
Public Works Department
Water Resources Department
Chennai Region
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in G.O.(D) No.105 Public Works (A1) Department dated 30.04.2015 as well as G.O.(2D) No.69 Public Works (C1) Department dated 04.10.2019 and the consequential



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proceedings of the 3rd respondent in proceedings No.E1(6)/14230/2009 dated 06.10.2020 and quash the same and consequently direct the respondents to fix the scale of pay of the petitioner in the post of Head Draughting Officer with effect from 09.11.2000 as well as all to pay monetary benefits to the petitioner herein by applying F.R.54(B), as well as the directions by the Division Bench of this Court in W.A.No.628 of 2007, dated 26.10.2007 along with interest at the rate of 12% p.a for the belated payment and pass orders.

For Petitioner : Mr.K.S.Jeyaganeshan
for Mr.P.Navaneetha Krishnan

For Respondents : Ms.S.Anitha
Special Government Pleader for R1 to R3

ORDER

The writ petition is filed for the following relief :

“ To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in G.O.(D) No.105 Public Works (A1) Department dated 30.04.2015 as well as G.O.(2D) No.69 Public Works (C1) Department dated 04.10.2019 and the consequential proceedings of the 3rd respondent in proceedings No.E1(6)/14230/2009 dated 06.10.2020 and quash the same and consequently direct the respondents to fix the scale of pay of the petitioner in the post of Head Draughting Officer with effect from 09.11.2000 as well as all to pay monetary benefits to the petitioner herein by applying F.R.54(B), as well as the directions by the Division Bench of this Court in W.A.No.628 of 2007, dated 26.10.2007 along with interest at the rate of 12% p.a for the belated payment. ”



2. The facts are briefly set out herein below :

- a) The petitioner had joined the Public Works Department as Draughtsman Grade III, in the year 1972. While he was working as Draughtsman Grade II, he was placed under suspension on 26.04.1980, by the Superintending Engineer, P.W.D., Chennai, on the ground that an enquiry into grave charges is contemplated under Rule 17(E) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules.
- b) The petitioner was thereafter arrayed as accused in three criminal cases in C.C.No.16 of 1983, C.C.No.24 of 1983 and C.C.No.28 of 1983, for offences committed under the provisions of Prevention of Corruption Act. Since there was no progress in the criminal trial, the petitioner had filed O.A.No.517 of 1991 on the file of Tamil Nadu State Administrative Tribunal, challenging his suspension and seeking to regularise the period of suspension. By an order dated 18.09.1991, the Tribunal had revoked the order of suspension and directed the respondent to reinstate the petitioner into service. The petitioner had also joined the duty as Draughting Officer on 13.11.1991.



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- c) Considering the fact that his services was not regularised, the petitioner had filed O.A.No.2403 of 1995 before the Tamil Nadu Administrative Tribunal, which was later transferred to the file of this Court and numbered as W.P.No.17294 of 2006. Meanwhile, the petitioner was acquitted from the criminal cases on 15.04.2004, 23.04.2004 and 06.02.2006.
- d) This Court by an order dated 13.03.2007 in W.P.No.17294 of 2006, has held that the petitioner was entitled for regularisation of service in the category of Draughtsman Grade II, however, he was not entitled to any back wages, and would be entitled to benefits from the date of the order, so also the pensionary benefits. Aggrieved by the denial of back wages and also that the benefits would accrue only from the date of the order in W.P.No.17294 of 2006, the petitioner had filed W.A.No.628 of 2007.
- e) During the pendency of the writ appeal, the third respondent vide letter dated 19.05.2007, had made recommendations to the second respondent that the petitioner should be placed in the seniority list between Sl.No.88 and Sl.No.89, as the petitioner was senior to one G.Lakshmanan, who was promoted as Head Draughting Officer and who was since retired.



- f) The petitioner would submit that he is entitled to be promoted as Senior Draughting Officer, Special Grade Draughting Officer and Head Draughting Officer, as mandated for the preparation of panel for appointment by promotion / recruitment.
- g) The petitioner would rely upon the instructions of the Government order which would state that the Government Servant whose promotion is deferred on account of pending charges, should be informed of the fact. They can however be considered for promotion, once they are exonerated or acquitted of charges and if found suitable to all the criteria required for promotion. The promotion should be given with retrospective effect from the date on which their juniors were promoted.
- h) The second respondent by his order dated 03.07.2007 has granted promotion to the petitioner prospectively to the post of Senior Draughting Officer and Special Grade Draughting Officer.
- i) Meanwhile, the Division Bench of this Court, by order dated 26.10.2007, has disposed of W.A.No.628 of 2007, which had been filed challenging the order passed in W.P.No.17294 of 2006. The Division Bench had modified the order passed in W.P.No.17294 of 2006 and held that the petitioner is entitled to the benefit of



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F.R.No.54(B) and as he was deemed to continue in service, his entire period of suspension has to be regularised and he shall be granted the pay and allowances for the entire period.

- j) Despite the orders of this Court, the same was not implemented, therefore, the petitioner had submitted his representation dated 03.01.2008 to the second respondent, requesting to promote him as Senior Draughting Officer with effect from 31.05.1985; as Special Grade Draughting Officer with effect from 20.10.1998 and as Head Draughting Officer with effect from 27.09.2000, retrospectively, the dates on which his immediate junior was promoted to the said posts by fixing the scale. This request was rejected by the second respondent by order dated 06.04.2009.
- k) Challenging the said order dated 06.04.2009, the petitioner had moved this Court in W.P.No.16718 of 2009, to quash the rejection order and for consequential reliefs. This writ petition was dismissed by order dated 19.10.2012. Aggrieved by the dismissal order, the petitioner preferred a writ appeal in W.A.No.294 of 2013. The First Bench of this Court by an order dated 11.07.2013 was pleased to allow the writ appeal. The petitioner had forwarded a copy of the order in W.A.No.294 of 2013 to the



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respondents 1 and 2, under a cover of representation dated 20.08.2013. The first respondent vide G.O.(D) No.105 dated 30.04.2015, had directed to include the name of the petitioner in the panel of Senior Draughting Officers / Special Grade Draughting Officers, fit for promotion as Head Draughting Officers for the year 1999-2000 at Sl.No.8(A) and also to regulate his pay as per ruling 17 under Fundamental Rule 27.

- l) Dissatisfied with the said order, the petitioner once again submitted his representation dated 31.07.2015, bringing it to the notice of the respondents that as per the order in W.A.No.628 of 2007, he was entitled to the benefits under 54-B of Tamil Nadu Government Servant's Fundamental Rules.
- m) Despite the orders of this Court in W.A.No.628 of 2007 and W.A.No.294 of 2013, the impugned order dated 06.10.2020 came to be passed.

Aggrieved by the said order the petitioner has preferred the above writ petition.

3. The respondents have filed a counter narrating the facts of the case and has stated that they have complied with the orders of this Court dated 13.03.2007 and 26.10.2007 passed in W.P.No.17924 of 2006 and W.A.No.628



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of 2007 respectively and that they have also regularised the suspension period of the petitioner from 26.04.1980 to 12.11.1991, as duty period. They would further submit that subject to the orders of this Court dated 11.07.2013 in W.A.No.294 of 2013, the seniority of the petitioner was restored in the post of Draughting Officer and Special Grade Draughting Officer vide proceedings of the second respondent dated 23.01.2014. Thereafter, the Government had issued G.O.(D) No.105, Public Works (A1) Department dated 30.04.2015, by which it had granted approval for inclusion of petitioner's name in the panel for Head Draughting Officer in the year 1999-2000, which was approved in G.O.Ms.No.534, Public Works (A1) Department dated 27.09.2000, above his junior in the panel list and to regulate the pay as per Ruling 17 under Fundamental Rule 27. Thereafter, the Government had issued G.O.Ms.No.69, Public Works (C1) Department dated 04.10.2019, to regulate the pay of the petitioner in the posts of Senior Draughting Officer with effect from 27.02.1985, on par with his juniors as per ruling 17 under Fundamental Rules 27. Similarly, the pay of the petitioner in the post of Special Grade Draughting Officer was fixed with effect from 01.10.199, i.e., from the date of promotion of his junior with monetary benefit from the date of actual promotion of the petitioner. The petitioner's pay was accordingly regularised with grant of increments in the above posts notionally and the monetary benefits could be



paid only from the date on which he had actually joined the said posts. The respondents would submit that the order in W.A.No.294 of 2013 was very specific that the claim of the petitioner has to be considered only in the light of the rules and regulations in force. The respondents would submit that they have accordingly fixed the pay and the same cannot be questioned by the petitioner.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3, and this Court also perused the materials available on record.

5. The grievance of the petitioner in this writ petition is the denial to grant promotion as Head Draughting Officer and to grant the proportional monetary benefits due to him from 09.11.2000 (the date on which his junior was promoted) in the alleged promoted post. The petitioner is aggrieved by the fact that despite the orders of this Court in W.A.No.628 of 2007, in which it has been held that he is entitled to benefits under Rule 54-B of the Tamil Nadu Government Servant's Fundamental Rules, the order passed by the first respondent in G.O.Ms.No.105 dated 30.04.2015 had granted approval to regulate his pay as per ruling 17 of the Fundamental Rule 27. Rule 54-B(9) would read as follows :



“9. Where a Government servant is, - (a) placed under suspension in view of the fact that a complaint against him of any criminal offence is under investigation or trial; or (b) dismissed or removed from service or compulsorily retired on the ground of conduct which has led to his conviction on a criminal charge and the Government servant is subsequently reinstated in service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any other technical ground or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension, or dismissed or removed or compulsorily retired from service.”

6. Admittedly, the petitioner has been acquitted by the Court in respect of all criminal cases pending against him on 15.04.2004, 23.04.2004 and 06.02.2006. In the writ appeal in W.A.No.628 of 2007, the Division Bench has recorded the fact that the Additional Government Pleader had also represented that the petitioner who was the appellant therein, was entitled to the benefits contemplated under the FR provisions contained in para No.10 of FR 54(B). The Bench had ultimately passed the following order :

“5. Since in the present case the suspension was on account of alleged involvement of the appellant in a criminal case and such



criminal case has ended in acquittal and there is no further departmental proceedings as against the appellant, we are inclined to agree with the contention of the learned counsel for the appellant. Accordingly, the order passed by the learned single Judge is modified and it is directed that the present appellant is deemed to be continuing in service; the entire period of suspension is to be regularised and he shall be granted the pay and allowances for the entire period after adjustment of the amount already paid towards subsistence allowance. This order shall be implemented within a period of three months from the date of receipt of copy of this order.”

7. To sum up, the Bench in W.A.No.628 of 2007, has made its observations / directions, which are bullet-pointed below :

- (a) the appellant is deemed to be continuing in service;
- (b) the entire period of his suspension to be regularised;
- (c) he shall be granted pay and allowances for the entire period, after adjusting the amount already paid towards subsistence allowance;

8. Therefore, the contention of the petitioner that he is entitled to the full pay during his period of suspension, has to necessarily be upheld. Accordingly, the impugned government orders viz., G.O.(D) No.105 Public Works (A1) Department dated 30.04.2015 and G.O.(2D) No.69 Public Works (C1) Department dated 04.10.2019 and the consequential proceedings dated



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06.10.2020 issued by the third respondent, being contrary to the dicta laid down in W.A.No.628 of 2007, has to necessarily be set aside.

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9. Accordingly, the writ petition is allowed as prayed for and the impugned government orders of the first respondent cited supra dated 30.04.2015 and 04.10.2019 and the consequential proceedings of the third respondent dated 06.10.2020, are set aside. Consequently, the respondents shall fix the scale of pay of the petitioner in the post of Head Draughting Officer with effect from 09.11.2000 and pay all the monetary benefits by applying F.R.54(B) and directions passed by this Court dated 26.10.2007 in W.A.No.628 of 2007 with interest @ 12% p.a., for the belated payment. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
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To:

1.The State of Tamil Nadu
Rep by its Principal Secretary
Public Works Department
Secretariat, Chennai – 600 009.

2.The Chief Engineer (General)
Public Works Department
Chepauk, Chennai – 600 005.

3.The Chief Engineer
Public Works Department
Water Resources Department
Chennai Region
Chepauk, Chennai – 600 005.



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P.T. ASHA, J,

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