

W.P. No. 29347 of 2019 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 29347 to 29351 and 29353 to 29355 of 2019

and

**W.M.P. Nos. 29154, 29159, 29161, 29162, 29165, 29166, 29169 and
29170 of 2019**

W.P. No. 29347 of 2019:-

A.Shenbagavalli

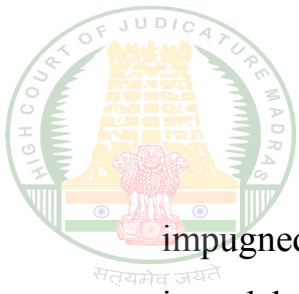
... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Dean,
Government Villupuram Medical College,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the



W.P. No. 29347 of 2019 etc., batch

impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.1256/Ni2/2017-1, dated 05-09-2019 and quash the same.

W.P. No. 29348 of 2019:-

P.Umamaheswari

... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Joint Director of Health Services,
Villupuram.
5. The Dean,
Government Villupuram Medical College,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019



W.P. No. 29347 of 2019 etc., batch

issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 5th respondent in vide Na.Ka.No.4239/E2/2019, dated 05-07-2019 and quash the same.

W.P. No. 29349 of 2019:-

D.Mageswari

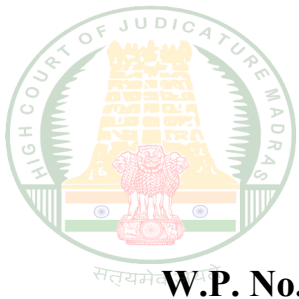
... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Dean,
Chengalpattu Medical College,
Chengalpattu.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.006/Ni3/2019, dated 30-08-2019 and quash the same.



W.P. No. 29347 of 2019 etc., batch

W.P. No. 29350 of 2019:-

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R.Sathiya

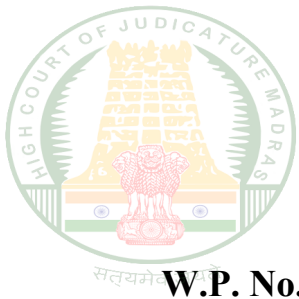
... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Joint Director of Health Services,
Villupuram.
5. The Dean,
Government Villupuram Medical College,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. டி.க.எண்.82155/டி2/5/2017 issued by the 3rd respondent and impugned communication issued by the 5th respondent in vide Na.Ka.No.1255/E2/2017, dated -09-2019 signed on 22-08-2019 and quash the same.



W.P. No. 29347 of 2019 etc., batch

W.P. No. 29351 of 2019:-

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S.Sheela

... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Dean,
Government Tiruvannamalai Medical College,
Tiruvannamalai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/நி2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.6617/Ni2/2017, dated 06-08-2019 and quash the same.

W.P. No. 29353 of 2019:-

M.Vijayalakshmi

... Petitioner



W.P. No. 29347 of 2019 etc., batch

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Dean,
Government Tiruvannamalai Medical College,
Tiruvannamalai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.6617/Ni2/2017, dated 06-08-2019 and quash the same.

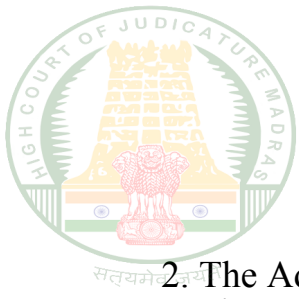
W.P. No. 29354 of 2019:-

S.Baraneswari

... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.



W.P. No. 29347 of 2019 etc., batch

2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.

3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

4. The Dean,
Government Villupuram Medical College & Hospital,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்:82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.4239/Ni2/2019, dated 04-09-2019 and quash the same.

W.P. No. 29355 of 2019:-

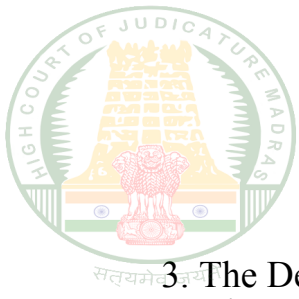
K.Gajalakshmi

... Petitioner

-VS-

1. The State Government of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.

2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.



W.P. No. 29347 of 2019 etc., batch

3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

4. The Dean,
Chengalpattu Medical College,
Chengalpattu.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter.No.4738/AB1/2019-2, dated 03-06-2019 issued by the 1st respondent and the consequential impugned circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the 3rd respondent and impugned communication issued by the 4th respondent in vide Na.Ka.No.006/Ni3/2019, dated 30-08-2019 and quash the same.

For Petitioner : Mr.T.Panchatsaram (in all W.P.s)

For Respondents : Mr.Tippusulthan, GA (in all W.P.s)

COMMON ORDER

These writ petitions have been filed to call for the records relating to the impugned proceedings of the first respondent in Letter.No.4738/AB1/2019-2, dated 03-06-2019 and the consequential impugned circular dated 27.06.2019 in Ref. No.Na.Ka.No.82155/ந2/5/2017 issued by the third respondent and impugned communication issued by the fourth respondent vide Na.Ka.No.1256/Ni2/2017-1, dated 05-09-2019-(1), impugned communication



W.P. No. 29347 of 2019 etc., batch

issued by the fifth respondent vide Na.Ka.No.4239/E2/2019, dated 05-07-2019-

WEB (2), impugned communication issued by the fourth respondent in vide Na.Ka.No.006/Ni3/2019, dated 30-08-2019-(3), impugned communication issued by the fifth respondent vide Na.Ka.No.1255/E2/2017, dated -09-2019 signed on 22-08-2019-(4), impugned communication issued by the 4th respondent vide Na.Ka.No.6617/Ni2/2017, dated 06-08-2019-(5), impugned communication issued by the fourth respondent vide Na.Ka.No.4239/Ni2/2019, dated 04-09-2019-(6), impugned communication issued by the fourth respondent vide Na.Ka.No.006/Ni3/2019, dated 30-08-2019-(7) and impugned communication issued by the 4th respondent in vide Na.Ka.No.006/Ni3/2019, dated 30-08-2019-(8) respectively and quash the same.

2. Heard Mr.T.Panchatsaram, learned counsel for the petitioners and Mr..K.Tippusulthan, learned Government Advocate for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioners applied to the post of Steno-Typist with reference to the TNPSC Grade IV Services in the year 2006-2007 dated 15.11.2007 and they got selected to the post of Steno-Typist and provisional selection list were published and certificate verification were completed by the TNPSC on



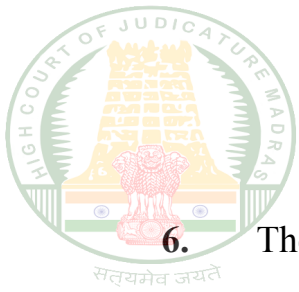
W.P. No. 29347 of 2019 etc., batch

02.12.2008 was over posting and orders were issued to the petitioners, and they

joined duty and their services were regularized.

4. As per the One Man Committee appointed by the Government of Tamil Nadu, the scale of pay payable to the new recruits appointed between the period from 01.01.2006 and 31.05.2009 was recommended to be raised. Accordingly, the Government has issued a Government Order in G.O. Ms. No. 234 Finance (Pay Cell) dated 01.06.2009 and another Government Order in G.O.Ms.No.258 Finance (Pay Cell) dated 23.06.2009. Accordingly, the pay fixation has been revised to the petitioners also. Despite such benefit has been conferred on the petitioners, the respondents through their impugned proceedings issued orders to withdraw the said benefits.

5. The learned counsel for the petitioners submitted that similarly placed persons have already filed a writ petition in W.P. (MD) No. 15242 of 2019 before the Madurai Bench of this Court challenging the order of the first respondent dated 03.06.2019. This Court by order dated 07.08.2019 dismissed the writ petition as prematured by giving liberty to the petitioners to approach the Court, if an order of recovery is passed.



W.P. No. 29347 of 2019 etc., batch

6. The learned counsel for the respondents submitted that the impugned

proceedings are inter-departmental communication and the petitioners have filed these writ petitions in a pre-matured manner, even it has culminated into an order of recovery against the petitioner. Similarly placed persons have already filed writ petitions on the same grounds. In the said writ petition, an order has been passed on the observation that the petitioners are entitled to get the benefit of G.O. Ms. No. 340, Finance (Pay Cell) dated 26.08.2010.

7. In fact, it is made clear that the above Government Order has been issued only after getting clarification from the Tamil Nadu Public Service Commission and in such case, any proposal to recover the re-fixation benefits given to the petitioner on the presumption that there were excess payment may not be right. If at all any such decision is taken by the respondents, that cannot be taken without giving any opportunity to the petitioners by giving them a show cause. As the impugned orders have not been served on the petitioners, they originated without hearing the submission of the petitioners on the issue. In view of the above stated reasons and also following the earlier orders passed by the Madurai Bench of this Court, I feel the orders are liable to be quashed.



W.P. No. 29347 of 2019 etc., batch

8. In view of the above observations, these writ petitions are disposed.

WEB Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.03.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 006.
3. The Deputy Director/Deputy Secretary,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. The Joint Director of Health Services,
Villupuram.
5. The Dean,
Government Villupuram Medical College & Hospital,
Villupuram.
6. The Dean,
Chengalpattu Medical College,
Chengalpattu.
4. The Dean,
Government Tiruvannamalai Medical College,
Tiruvannamalai.



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W.P. No. 29347 of 2019 etc., batch

R.N.MANJULA, J.

Maya

W.P. Nos. 29347 to 29351 and 29353 to 29355 of 2019

Dated : 04.03.2025