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W.A.No.3818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE C. SARAVANAN

W.A.No.3818 of 2024

AND

C.M.P.Nos.30071 of 2024 & 1712 of 2025

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Social Welfare and Nutrients Foods Department
Fort St. George, Chennai 600 009

2.The Director
Public Health and Preventive Medicine
DMS Compound, No.359, Anna Salai
Chennai 600 006

3.The Deputy Director of Health Services
Nagapattinam District
Nagapattinam 611 001

.. Appellants

Vs.

K.Madhavan

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 09.11.2023 passed in W.P.No.9203 of 2018.

For Appellants : Mr.M.Bindran
Additional Government Pleader

For Respondent : Mr.R.Venkatavaradhan



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J U D G M E N T

(Delivered by R. SURESH KUMAR, J.)

This intra-court appeal has been directed against the order passed in W.P.No.9203 of 2018, where the order passed by the 3rd respondent dated 27.11.2017, has been sought to be quashed. The learned Judge, who heard the said writ petition, had allowed the same, as against which, the present intra-court appeal has been directed.

2. Heard Mr.M.Bindran, learned Additional Government Pleader appearing for the appellants and Mr.R.Venkatavaradhan, learned counsel appearing for the respondent/writ petitioner.

3. It is submitted by the learned counsel appearing for the respondent/writ petitioner that, the issue raised in this writ appeal is covered by the decision of this Court in the matter of ***State of Tamil Nadu and Others Vs. S.R.Sivakumar and Another (W.A.Nos.27 and 42 of 2025 decided on 08.01.2025)***.



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4. In the said decision, we have considered the similar issue as to the import of the benefits of the Government Order *i.e.*, G.O.(Ms)No.151, Social Welfare (M) Nutrition Program (SN4) Department, dated 16.10.2008 and has ultimately held as follows :

“13. We have gone through the import of G.O.(Ms)No.151 and the wordings both in Tamil and English which have been extracted herein above. The exact policy decision that has been taken by the Government reads that, the Government have issued orders to absorb the differently abled persons who are working under the consolidated pay for more than two years in various Departments in Government of Tamil Nadu under regular time scale of pay.

14. Therefore, those who have been working in consolidated pay for more than two years would become eligible to get such benefits on regular time scale of pay, is only the import of the Government Order.

15. Nowhere in G.O.(Ms)No.151, it is stated that, those who have been working under consolidated pay for more than two years would be eligible to get the regular time scale of pay with effect from the date of issuance of the Government Order or any subsequent date to be fixed by the Government through the Government Order. In the absence of any such wordings in the Government Order, the Government while taking the policy decision has made clear that, all those differently abled persons who have been working in consolidated pay at various Departments of the Government of Tamil Nadu for more than two years would be eligible to be brought under regular time scale of pay, therefore, if such being the decision of the Government Order which reflects the policy decision taken by the Government, the present appellant Department cannot seek for any different interpretation from this Court.

16. This stand has been clearly made by the learned Judge in paragraph No.9 of the order impugned, where the learned Judge has held that, there cannot be any further interpretation as there is no ambiguity in the Government Order and the Government Order is clear and the wordings are straight forward.



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17. We do not find any infirmity in the view expressed by the learned Judge in the impugned order. Since the import of the Government Order only mandates that, the Government or Head of the Department who gives such benefits bringing them under regular time scale of pay on completion of two years shall extend the benefit from the date of initial appointment or completion of two years and such a direction had also been given in paragraph No.3 of the said G.O.(Ms)No.151 by giving necessary relaxation for implementing the same, the intention of the Government since had been clearly made in G.O.(Ms)No.151, such interpretation as has been given by the learned Judge is the only possible view to be given to the wordings of the Government Order. Therefore, the attempt made now through these intra Court appeals by the appellant Department does not hold any water and such interpretation if it is given, that will be detrimental to the beneficiaries of the Government Order, i.e., differently abled persons who have been working for more than two years and it would defeat the very purpose of the Government Order which emanated from the policy decision taken by the Government at higher level. It cannot also be stated that the benefit of the Government Order would apply only after completion of two years period from the date of issuance of the Government Order, as, such interpretation is not at all possible to be carried out from the wordings mentioned in the Government Order.

18. Resultantly, these Writ Appeals fail, hence they are liable to be dismissed, accordingly, dismissed. Three months time is granted to implement the order passed by the writ Court, which is impugned herein. Till such time, no coercive steps shall be taken against the appellants. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

5. In view of the above, we do not find any reason to interfere with the present judgment as the issue is covered by the said decision. Hence, this appeal also deserves to be dismissed and is accordingly, dismissed. No costs. Connected C.M.P.s are closed.



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6. It is made clear that the respondent/writ petitioner was working initially under the Director of Public Health and Preventive Medicine, therefore, he had been arrayed as party in the writ petition and he is the present 2nd appellant also. However, it is brought to our notice by the learned counsel appearing for the respondent/writ petitioner that presently, the respondent/writ petitioner has been posted and he is working under the Director of Medical and Rural Health Services.

7. In view of the same, the orders passed by the learned Judge as confirmed by this order has to be complied with by the Director of Medical and Rural Health Services, No.359, Anna Salai, Chennai 600 006, to whom, a copy of this order also to be sent by the Registry. Compliance shall be made within a period of two months from the date of receipt of a copy of this judgment. Till such time, no coercive steps including contempt proceedings shall be initiated against the appellants/department.

[R.S.K.,J.] [C.S.N., J.]
29.01.2025

Index : Yes / No
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