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W.A.No.111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.111 of 2024

and

C.M.P.No.647 of 2024

1.The State of Tamil Nadu,
Represented by its Secretary,
Finance Department,
Fort St. George, Chennai - 600 009.

2.The Secretary,
Rural Development Department,
Fort St. George, Chennai - 600 009.

3.The Principal Secretary,
Education Department,
Fort St. George, Chennai - 600 009.

... Appellants

Vs.

M.Saraswathy

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 04.01.2023 made in W.P.No.613 of 2017 and allow the Writ Appeal.

For Appellants : Mr.R.Neethi Perumal, Government Advocate

For Respondent : Mr.L.Chandrakumar



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J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

Challenge is to the order of the learned Single Judge directing payment of special time scale of pay in accordance with G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 on completion of three years of service.

2. The claim of the employee was rejected by the Government solely on the ground that she was appointed on part time basis. Though it is the contention of the learned counsel for the respondent that she was appointed in full time basis on consolidated pay, the distinction does not really matters as of today, since a Full Bench of this Court in **M.Sivappa Vs. The State of Tamil Nadu** made in **W.P.No.23823 of 2023** dated **26.02.2024**, to which one of us is a party [Hon'ble Mr.Justice R.Subramanian], had held that if the appointment is to a post enumerated as one of the 86 posts in the Tamil Nadu Basic Services, *de hors* the fact that the appointment is a part time or full time, the employee would be entitled to the benefit of regularization as well as grant special time scale of pay.



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3. In view of the judgment of the Full Bench, this Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
03.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

1.The Secretary,
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Finance Department,
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2.The Secretary,
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Fort St. George, Chennai - 600 009.

3.The Principal Secretary,
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and
G.ARUL MURUGAN, J.

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