



W.P.(MD)No.14162 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14162 of 2021
and
W.M.P.(MD).No.11112 of 2021

K.N.Revathi

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
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-600006.
- 3.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai-600 010.



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4. The Deputy Director,
Medical, Rural Health Services and Family Welfare,
District Family Welfare Bureau,
Old Government Women and Children Hospital,
Compound Sikil Raja Veethi,
Ramanathapuram-623 501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari, calling for the records relating to the impugned proceedings in Muu.Mu.No.561/KuNa/Ni/2021, dated 30.07.2021 issued by the fourth respondent and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned recovery order dated 30.07.2021 passed by the fourth respondent.

2. The petitioner claims that the benefits given under G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, is applicable to her and that, if the same is applied, the impugned recovery order cannot be passed. As per G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, if a person was selected to the post prior to 01.06.2009, but was issued an appointment order only thereafter for not fault of his / her, the impugned recovery order



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cannot be passed. Admittedly, only to set right the pay anomalies between the persons appointed in the very same selection process though were issued appointment orders belatedly, G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, came to be issued based on One Man Commission report. As seen from G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, those who were selected prior to 01.06.2009, but, were issued appointment orders after 01.06.2009, they are entitled to the benefit of G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010.

3. Admittedly, in the instant case, the petitioner was selected on 02.12.2008, whereas the appointment order was issued on her favour only on 10.08.2009 after the cut-off date. Admittedly, for no fault of the petitioner, she has been penalized under the impugned order.

4. Another learned Single Judge of this Court in his decision dated 13.10.2022 in W.P.(MD).Nos.1270 ad 1337 of 2020 had considered the very same issue and held that the writ petitioners were entitled to the benefit of G.O. (Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, since they were recruited / selected prior to 01.06.2009 though they were issued appointment orders only after 01.06.2009. In fact, the decision of the learned Single Judge in



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the aforesaid decision was upheld by the Division Bench of this Court in W.A.

(MD).Nos.520 of 2023 etc batch dated 01.12.2023. The Hon'ble Supreme Court had also dismissed S.L.P.Nos.2451-2455 / 2024 dated 19.02.2024. Therefore, the petitioner, who is similarly placed has to be given the benefit of G.O. (Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010. Since the impugned recovery order has been passed contrary to G.O.(Ms).No.340, Finance (Pay Cell) Department, dated 26.08.2010, which is applicable to the case of the petitioner, necessarily, the impugned recovery order has to be quashed and this writ petition has to be allowed.

5. Accordingly, the impugned recovery order dated 30.07.2021 passed by the fourth respondent is hereby quashed and this writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

22.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
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Chennai-600 006.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai-600006.
- 3.The Director,
Directorate of Medical Education,
Kilpauk,
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ABDUL QUDDHOSE, J.

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