



W.P.(MD) No.20184 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 16.07.2025

Pronounced On : 21.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.20184 of 2016

and

W.M.P. (MD) No.14474 of 2016

1.R. Soundararajan (Died)
S/o. A. Rengasamy,
Work Inspector, Grade - II (Retired)
Gundar Basin Sub Division,
Public Works Department,
Thirumangalam,
Madurai District.

2.Saroja,
W/o, R. Soundararajan,
No. 51, Therkku Theru,
Anupanadi,
Madurai 625 009.

3. Nagarajan,
S/o. R. Soundararajan,
No. 51, Therkku Theru,
Anupanadi,
Madurai 625 009.

(P2 & P3 are Substituted vide court order
dated.06.11.2024 in WMP(MD).20658/2024 in
WP(MD).20184/2016 by RPJ)

... Petitioners



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Vs.

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1. The Principal Secretary,
Public Works Department,
Fort St. George,
Chennai – 9.

2. The Executive Engineer,
Water Resources Organization,
Public Works Department,
Gundar Basin Division,
Tallakulam,
Madurai – 2.

... Respondents

PRAYER in W.P.:

To issue a writ, order or direction, more particularly in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned G.O.(Ms).No. 243, Public Works (C2) Department dated 11.12.2015 passed by the 1st respondent and quash the same as illegal in respect of the impugned portion of the said G.O., in paragraph No.12 mentioned as with the monetary benefits from the date of his retirement i.e., on 29.02.2012 and consequently direct the respondents to pay monetary benefits to the petitioner from the date of his regularization on 01.01.1985 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN W.M.P.:

To dispense with the production of the original copy of the impugned G.O.(Ms.)No. 243, Public Works (C2) Department, dated 11.12.2015, passed by the 1st respondent pending disposal of this writ petition and thus render justice.



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WEB COPY APPEARANCE OF PARTIES:

For Petitioners : Mr. V. Thirumal
For Respondents : Mr.J.Ashok
Additional Government Pleader

J U D G M E N T

Heard.

2. This writ petition is filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned portion of G.O.(Ms) No. 243, Public Works (C2) Department dated 11.12.2015, in so far as it restricts the monetary benefits to the petitioner from 29.02.2012 (date of retirement) instead providing from the date of regularization, and to consequently direct the respondents to grant monetary benefits from 01.01.1985, the date of notional regularisation as Work Inspector Grade-II.

3. The petitioner was initially appointed on 03.06.1974 as Nominal Muster Roll (NMR) Mazdoor and was later regularised in the post of Head Mazdoor with effect from 01.01.1985, by G.O.(Ms) No.193 dated



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25.01.1990. Claiming to have possessed the necessary educational qualification and having discharged duties of Work Inspector Grade-II, the petitioner filed W.P.(MD) No.7197 of 2008 seeking regularisation in the said post with attendant and monetary benefits. That writ petition was allowed on 27.01.2011. The Government, after some delay, issued G.O. (Ms.) No.243 dated 11.12.2015, granting notional regularisation as Work Inspector Grade-II with effect from 01.01.1985 but limiting monetary benefits from 29.02.2012, the date of retirement.

4. The petitioner's grievance is that such restriction of monetary benefits is arbitrary and contrary to the judicial direction in W.P.(MD) No. 7197 of 2008. However, the said order merely directed regularization with attendant and monetary benefits as per Rules. It did not direct back wages or confer an absolute entitlement for retrospective financial benefits.

5. The respondents, in paragraph No.5 of their counter affidavit, has stated as follows:

“5. Further, it is submitted that it would be pertinent to mention herein that as per Special Rules for Tamil Nadu Engineering Subordinate Services for the post of covered under Work-Charged Establishment issued in G.O.(Ms.)No.12, Public Works Department, dated



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20.01.2009 in which the qualification for the post of Work Inspector have been prescribed therein as follows:

I. Must possess I.T.I Certificate in Draftsman Civil Trade.

II. Must undergone apprenticeship Training for a period not less than One year in Government or any other Organization recognized by the Government.”

6. The petitioner seeks support from the case of one P. Koothan, wherein the Government passed G.O.(Ms.) No.152 dated 03.07.2017 granting notional regularisation from 01.01.1986 as Work Inspector Grade-II and extended monetary benefits only from the date of that G.O. The challenge to that G.O. resulted in W.P.(MD) No.1833 of 2018, which was allowed by a learned Single Judge. However, the Division Bench in W.A.(MD) No.337 of 2019 reversed the Single Judge’s order and held as follows:

“24. There is no justification in the petitioner seeking parity with the post of Work Inspector Grade II, as admittedly he did not hold the prescribed qualification for that posts. In any event, there is no necessity to go into that question as it is an admitted position that his appointment and regularisation, both, are only in the post of Head Mazdoor. The order, of appointment and regularisation, have attained finality.”



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7. In the present case too, the petitioner was originally appointed as a Mazdoor, and his regularization as Head Mazdoor was not in dispute. The subsequent direction for regularization as Work Inspector Grade-II, based on long service and experience, did not involve any contemporaneous relaxation of qualification norms under the applicable Rules.

8. Applying the same reasoning, this Court finds no merit in the petitioner's claim for financial benefits from 01.01.1985. The G.O.(Ms) No.243 dated 11.12.2015 is in consonance with judicial directions and executive discretion.

9. In light of the decision of the Division Bench in W.A.(MD) No. 337 of 2019, this Court holds that the petitioner is not entitled to monetary benefits from 01.01.1985. The impugned G.O., in restricting benefits from the date of retirement, does not suffer from legal infirmity.



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10. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

21.07.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

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To

1.The Principal Secretary,
Public Works Department,
Fort St. George,
Chennai – 9.

2.The Executive Engineer,
Water Resources Organization,
Public Works Department,
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Tallakulam, Madurai – 2.



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Pre-delivery Judgment made in
W.P. (MD) No.20184 of 2016
and
W.M.P. (MD) No.14474 of 2016

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