

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20250 of 2015

P.Devanesan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The Principal Accountant General (A&E)
Tamil Nadu, No.361, Anna Salai,
Chennai - 600 018.
4. The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents herein to count two years Rural Welfare Officer training period undergone by the petitioners for increment and grant increment in the posts in which they were holding as on 30.07.1992 and consequently refix their pay and pension together with arrears of pay and pension.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader for RR 1, 2 and 4

Mr.V.Vijayshankar for R3

O R D E R

The petitioner retired as Block Development Officer. He underwent two years training period in the cadre of Rural Welfare Officer Grade II.

2. By G.O.Ms.No.164 Rural Development Department, dated 30.07.1992, the persons who have undergone Rural Welfare Officer training were permitted to count the two year training period for the purpose of probation and increment. Based on the said Government Order, writ petition was filed claiming the benefit. The writ petition was allowed by this Court and the Government issued G.O.Ms.No.105 Rural Development and Panchayat Raj, dated 19.11.2010 in compliance of the order of this Court. Similarly situated persons approached this Court for similar relief and the Government issued G.O.Ms.No.85, Rural Development and Panchayat Department, dated 11.09.2012, in compliance of the order of this Court.

3. The petitioner herein also claims similar relief and he made representation, dated 12.08.2014 in this regard. The learned counsel for the petitioner prays for disposal of the said representation in the light of G.O.Ms.No.105 and 85 referred to above, within a stipulated period.

4. The learned Special Government Pleader objected the very maintainability of the writ petition on the ground of laches. I am not inclined to agree with the objection made by the learned Special Government Pleader. When similarly situated persons were granted relief, the Government ought to have granted relief to the petitioner also without driving him to approach this Court. The person, who claims the benefit under the said government orders also retired long back and they were granted relief by this Court and the same was also implemented by issuing Government Orders.

5. In view of the above, the writ petition is disposed of by directing the first respondent to consider the representation of the petitioner dated 12.08.2014 and pass appropriate orders in the light of G.O.Ms.No.105 dated 19.11.2010 and G.O.Ms.No.85 referred to above, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

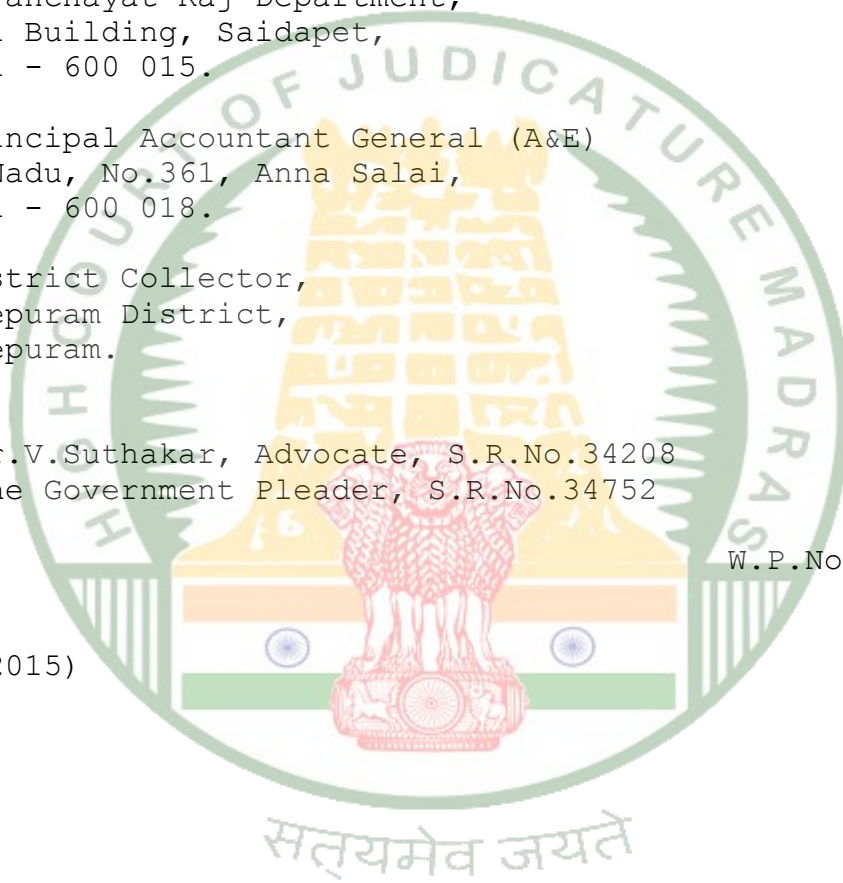
1. The Secretary,
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Kancheepuram.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.34208

+1cc to the Government Pleader, S.R.No.34752

W.P.No.20250 of 2015

CA(CO)
CA(18/09/2015)



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