

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24845 of 2015

1. D.R.Ramasami
 2. N.Periyalwar
 3. V.Balaguru
 4. S.N.Palaniswamy
 5. M.Mylswami
 6. Tmt. P.R.Devaki
 7. Tmt. M.Sundari Bai
 8. S.Sivagnanam
 9. M.Mahudamudi
 10. A.Kalyanasundaram
 11. P.Kalaimani
- ... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 9
 2. The Director of Rural Development Department,
Panagal Building, Saidapet,
Chennai - 600 015
 3. The District Collector, The Nilgiris
 4. The District Collector, Coimbatore District
 5. The District Collector, Tiruppur District
 6. The District Collector, Sivagangai District
 7. The Treasury Officer, The Nilgiris, The Nilgiris District
 8. The Treasury Officer, Coimbatore District
 9. The Treasury Officer, Tiruppur District
 10. The Treasury Officer, Sivagangai District
 11. The Pay and Accounts Officer,
Fort St. George, Chennai - 9
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to pay two increments for the training period in the post hold by the petitioners / their husband therein as on 30.07.1992, continuously up to the date of retirement of the petitioners / their husbands and consequently take into account the said increments in the pensionary benefits and in the monthly pension / family pension of the petitioners and pay all monetary and other attendant benefits, as paid to others, through G.O.Ms.No.85, Rural Development and Panchayat Raj Department, dated 11.09.2012 and

G.O.Ms.No.62, Rural Development and Panchayat Raj Department, dated 27.06.2013, in compliance of the order passed in W.P.Nos.33981 of 2005 and 39046 of 2005, dated 05.07.2011.

For Petitioners : Mr. K.Raja
For Respondents : Mr. V.Subbiah, Spl.G.P.,
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O R D E R

Admit. Mr. V.Subbiah, learned Special Government Pleader, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners would state that they, including the husband of the sixth and seventh petitioners, were initially selected as Rural Welfare Officer, Grade II, through the Tamil Nadu Public Service Commission and they have sent for training for a period of two years and on completion of training, all of them joined in the regular post of RWO, Grade II, and later on, they have given promotion as RWO, Grade I, based on their seniority. It is further stated that some of the writ petitioners were also given further promotion as Extension Officers, Block Development Officers and Assistant Directors and the writ petitioners, including the husbands of the sixth and seventh petitioners, had attained the age of superannuation.

3. The petitioners would further state that the first respondent has issued G.O.Ms.No.1760, Education Department, dated 11.08.1981, G.O.Ms.No.1914, Education Department, dated 25.11.1986 and G.O.Ms.No.610 Public Administrative Reforms Department, dated 28.06.1982, stating that among other things, the persons who are in the scale of pay of Rs.555-15-615-20-795-25-970 and 705-20-745-25-845-35-2230 shall be granted one advance increment on 01.04.1986 in their scales of pay for their training qualification, irrespective of whether they are on ordinary grade or selection grade or special grade scale of pay; in the case of persons entering service after 01.04.1986 possessing the requisite qualification their initial pay shall be fixed by giving one advance increment in the respective scale of pay in the ordinary grade. Therefore, the effect of the above said Government Orders is that the training period is to be counted both for probation and increment. Since the said benefit has not been conferred to many persons, they have approached this Court, by way writ petitions in W.P.Nos.33981 of 2005 and 36904 of 2005, W.P.(MD) Nos.7907 and 7908 of 2013, W.P.Nos.17459 of 2013, 19448 of 2013, 24481 of 2013, 34209 of 2013, 5449 of 2014, 12374 of 2015 and 18474 of 2015 and in all the said writ petitions, orders have been passed to confer similarly placed persons, by taking into

consideration G.O.Ms.No.85, Rural Development Department, dated 11.09.2012 and G.O.Ms.No.62, Rural Development and Panchayat Raj Department, dated 27.06.2013, within the stipulated time. Since the petitioners are also praying for similar relief, they submitted representations, dated 25.10.2014, to all the respondents. Since they have not been favoured with any response, the petitioners have come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that, subsequent to the representations made, the first respondent has passed G.O.Ms.No.99, dated 16.02.2015 and G.O.Ms.No.164, dated 19.03.2015, conferring benefits to 173 persons and this Court has also passed orders, dated 24.04.2015 and 26.06.2015 in W.P.Nos.12374 of 2015 and 18474 of 2015 ordering conferment of similar benefits. Therefore, the learned counsel for the petitioners would submit that the representations submitted by the petitioners may also be considered favourably.

5. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

6. This Court, without going into the merits of the claim projected by the petitioner and taking into consideration the above facts and circumstances, directs respondents 1 to 6 to consider and dispose of the petitioners' representation, dated 25.10.2014, on merits and in accordance with law, by taking into consideration G.O.Ms.Nos.85, 62, 99 and 164, (all) Rural Development Department, dated 11.09.2012, 27.06.2013, 24.04.2015 and 19.03.2012, within a period of twelve weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

7. This writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 9

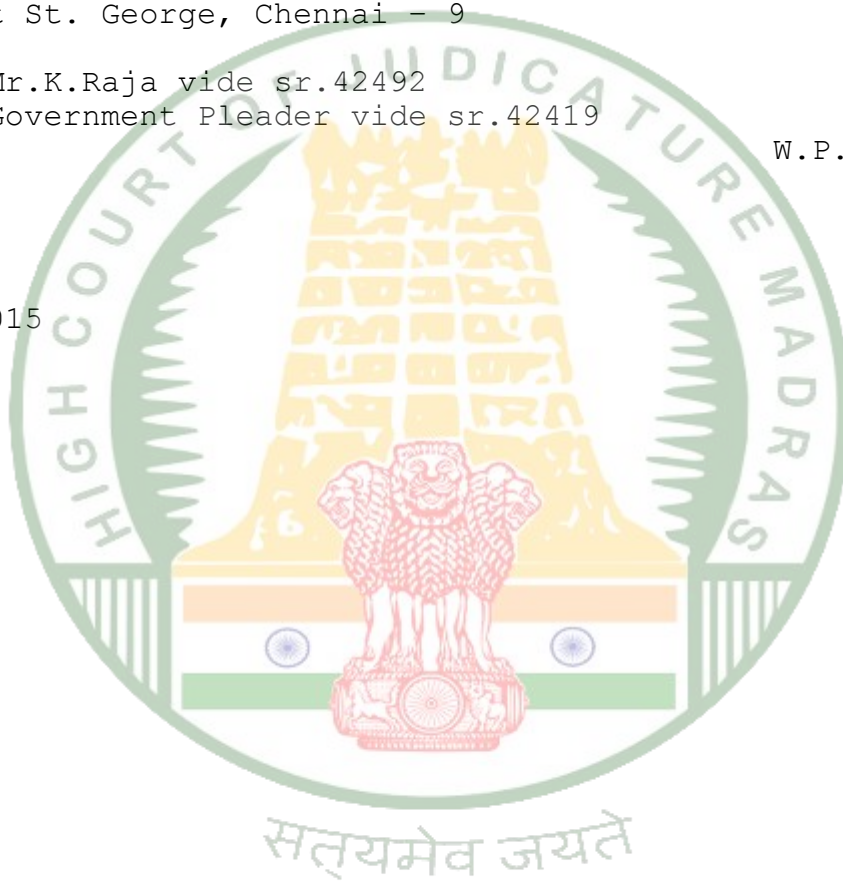
2. The Director of Rural Development Department,
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3. The District Collector, The Nilgiris
4. The District Collector, Coimbatore District
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8. The Treasury Officer, Coimbatore District
9. The Treasury Officer, Tiruppur District
10. The Treasury Officer, Sivagangai District
11. The Pay and Accounts Officer,
Fort St. George, Chennai - 9

+1 cc to Mr.K.Raja vide sr.42492

+1 cc to Government Pleader vide sr.42419

W.P.No.24845 of 2015

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