

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32571/2015

A.S.Alagesan

..Petitioner

Versus

1. The State of Tamil Nadu rep.by its
Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.
2. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.
3. The District Collector,
Dindigul District,
Dindigul.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider the claims of the petitioner and pass orders on the representation of the petitioner dated 06.07.2015 in regard to declaration of probation of the petitioner from the date of initial appointment and also terminal benefits w.e.f.1.6.2014 as was given to the similarly placed persons namely, 1.Mr.S.Siva Subramaniyan, 2.Mr.S.Siva Shankaran, 3.Mr.K.Muthu Samy and 4.Mr.A.Arjunan in G.O.(D)No.315, Revenue (Ser.7(1)) Department, dated 2.11.2011 and G.O.(D)No.228, Revenue (Ser.7(1)) Department, dated 22.08.2012.

For Petitioner : Mr.G.Elanchezhiyan
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner was initially appointed as Village
Karnam during the year 1978 and in that year, the Government

took a policy decision to abolish the post of Part Time Village Karnam and to introduce full time Village Administrative Officer post through Tamil Nadu Public Service Commission [TNPSC], with a concession given to the ex-munsiff that who has passed SSLC, be appointed as regular VAO. The Revenue Department has issued G.O.Ms.No.756 dated 17.08.1993 sanctioning retirement benefit to the Village Administrative Officers by taking into account the date of discharge from service. According to the petitioner, the services of Tvl.Periyasamy and A.V.Poochaimani and others were regularised by the District Collector of the then Periyar District. The petitioner was appointed as the Village Administrative Officer on 20.10.2005, vide proceedings of the District Revenue Officer, Dindigul District. It is the case of the petitioner that as per Rule, the respondents ought to have conducted the departmental test within a period of 2 years as to the issuance of declaration of probation to the petitioner ; but it has not been done so till the date of his retirement and he was allowed to retire from service on 30.05.2014 vide order of the Revenue Divisional Officer, Palani. He was not paid with retiral benefits till this date. It is the specific case of the petitioner that in similar facts and circumstances, the Revenue Department has issued G.O.Ms.No.315 dated 02.11.2011 pursuant to the orders passed by this Court dated 12.08.2010 made in WP.Nos.18365 and 18366/2010, thereby declared the probation of Tvl.K.Muthusamy, S.Siva Subramani and S.Siva Sankaran from the date of their appointment and paid all the benefits including the terminal benefits and similarly the Government has issued G.O. [1D] No.228, Revenue [Ser 7[1]] Department, dated 22.08.2012 and G.O. [D] No.440, Revenue [Ser-7[1]] Department dated 02.12.2013, regularising the services of Tvl. Arjunan, P.Arumugam and others. In this regard, the petitioner has submitted representation to the respondents on 06.07.2015 and since no orders have been passed, he came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that the 1st respondent, in all fairness, ought not to have driven the petitioner to approach this Court by filing this writ petition for the reason that similarly placed persons have approached this Court and obtained orders for regularisation and they are also been conferred with terminal and other retiral benefits and since the petitioner is similarly placed, his claim could have positively considered and since it has not been done so, the petitioner is constrained to approach this Court by filing the present writ petition.

5 This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 1st respondent to consider and

dispose of the petitioner's representation dated 06.07.2015 on merits and in accordance with law, after taking note of the above cited Government orders and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

AP
To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 9.
 2. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.
 3. The District Collector,
Dindigul District,
Dindigul.
- +1 cc to M/s.G.Elanchezian, Advocate (sr.56347)

W.P.No.32571/2015

ppa(co)
cp 2/11/2015

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