

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.8940 of 2015

1.A.Muthukutty
2.P.Radhakrishnan
3.M.Sundaram
4.G.Sriraman
5.K.Alagappan
6.P.Bakthavatsalu
7.S.Jayaraman
8.B.Sivalingam
9.K.Vajiram
10.S.Abdul Munab

...Petitioners

Vs

- 1 The Government of Tamilnadu
rep. by its Secretary to Government Rural
Development and Panchayat Raj Department
Fort St. George, Chennai-9
- 2 The Commissioner of Rural
Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai-15.
- 3 The District Collector
Tiruvallur District, Tiruvallur.
- 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 to extend the benefits contained in G.O.P No.123 Rural Development and Panchayat Raj (E6) Department dated 07.03.2012 by counting the services rendered by the petitioners in the post of Special Temporary Rural Welfare officer Grade I for the purpose of further promotion and grant notional benefits and consequently pay arrears of salary and other pensionary benefits.

For Petitioners : Mr.V.Suthakar

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader

O R D E R

The petitioners are all retired Government Servants. They have served in Rural Development Department in various capacities and thereafter retired.

2. It is the grievance of the petitioners that they have not been given the benefits of the services rendered by them in the post of Special Temporary Rural Welfare Officer Grade- I in spite of extending the benefits to certain others, pursuant to the orders passed by this Court.

3. This Court earlier passed an order dated 04.2.2008 in WP.No.15194 of 2006 directing the respondents to count earlier services rendered in Special Temporary Post Rural Welfare Officer Grade -I with effect from 01.10.1978. The said order issued in the case of K.Senthilvel vs. The District Collector, Dindigul Anna District, Dindigul was complied with by the respondent by issuing Government Order in G.O.(P) No.123, Rural Development and Panchayat Raj (E6) Department, dated 07.3.2012. The Government maintained that the order was issued in respect of certain individuals and others would not be given the benefits of the said order. Thereafter, this Court passed another order in WP.No.10993 of 2013 on 04.9.2014 in tune with the earlier order dated 04.2.2008 in WP.No.15194 of 2006. The petitioners are also similarly situated. The petitioners seek similar orders to direct the respondents to count earlier services rendered by them in the post of Special Temporary Rural Welfare Officer Grade- I.

4. Heard the learned counsel for the petitioners and the learned Additional Government Pleader on behalf of the respondents.

5. The Government appears to have not considered the representation submitted by the petitioners on the ground that earlier order counting the past services rendered in the post of Special Temporary Rural Welfare Officer Grade I was given to an employee pursuant to the order passed by this Court.

6. The question is whether the third respondent is correct in his contention that the benefit would be confined to one person and even if others are entitled to, the same would not be given to them in spite of their eligibility.

7. The Hon`ble Supreme Court in MAHARAJ KRISHAN BHATT AND ANOTHER V. STATE OF JAMMU AND KASHMIR (2008) 9 SCC 24) held that when a proposition of law is accepted and a decision is taken, the benefit of such decision should be given to all the similarly situated persons.

8. The respondents have already extended the benefit of past services to certain employees. The petitioners are also similarly situated. Their cases also should be considered in the light of

the earlier Government Order in G.O.P No.123 Rural Development and Panchayat Raj (E6) Department dated 07.03.2012.

9. In the result, a writ in nature of a writ of mandamus is issued directing the first respondent to dispose of the petitioners' representation for counting past services rendered in the post of Special Temporary Rural Welfare Officer Grade - I, in the light of the earlier Government Order in G.O.(P)No.123 Rural Development and Panchayat Raj (E6) Department dated 07.03.2012. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

10. The petitioners are directed to forward a copy of the representation along with a copy of this order so as to enable the first respondent to dispose of the matter as expeditiously as possible.

11. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Secretary to Government Rural
Government of Tamilnadu
Development and Panchayat Raj Department
Fort St. George, Chennai-9
- 2 The Commissioner of Rural
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Panagal Building, Saidapet, Chennai-15.
- 3 The District Collector
Tiruvallur District, Tiruvallur.
- 4 The District Collector
Kancheepuram District, Kancheepuram

+1 cc to M/s.V.Suthakar, Advocate,SR.18109

+1 cc to Government Pleader,sR.18368

rsk(co)
krd 13/4

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