

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10214 of 2016

1 D.Selvaraj
2 K.Shanmugam
3 K.Kuppuramu
4 P.K.Syed Usman

[Petitioners]

Vs.

1 The Government of Tamilnadu
Rep. 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
Tiruppur District
4 The District Collector
Coimbatore District
5 The District Collector
Erode District

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents herein to pay two increments for the training period in the post held by the petitioners herein as on 30.07.1992 continuously up to the date of retirement of the petitioners and consequently take into account the said increments in the pensionary benefits and in the monthly 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.No.33981/2005 and 39046/2005 dated 05.07.2011.

For Petitioners : Mr.K.Raja

For Respondents : Mr.A.Kumar, SGP

O R D E R

Heard the learned counsel for the petitioners and Mr.A.Kumar, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a writ of mandamus directing the respondents to pay two increments for the training period in the post held by the petitioners as on 30.07.1992, continuously up to their date of retirement and consequently taking into account the said increments in the pensionary benefits and in their monthly pension, pay all monetary and other attendant benefits as paid to others vide 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.No.33981/2005 and 39046/2005 dated 05.07.2011.

3. The petitioners were all initially appointed as Rural Welfare Officer Grade II and subsequently promoted as Rural Welfare Officer Grade I and some of them were promoted as Extension Officer, Deputy Block Development Officer and Block Development Officer and all of them retired from service on reaching the age of superannuation. According to the petitioners, some of the Rural Welfare Officers filed W.P.Nos.33981 and 39046 of 2005 before this Court seeking a direction to the respondents to pay increments for the training period in the post held by them as on 30.7.1992. This Court, by order dated 5.7.2011 issued direction in their favour. The Government issued G.O.Ms.No.85, Rural Development and Panchayat Raj Department dated 11.9.2012 complying with the direction issued by this Court. Hence, the petitioners have come forward with this Writ Petition for the similar relief.

4. I have carefully gone through the materials available on record. The aforesaid Government Order has been passed in the year 2012. However, I do not find that the said G.O. can be applied to the petitioners retrospectively. In any event, after issuing the aforementioned G.O., the petitioners have taken three years time to approach this Court. Therefore, in view of huge delay, this Court is not able to see any explanation whatsoever for entertaining the Writ Petition because it is highly belated. Since the claim made by the petitioners are belated and stale claim, the writ petition fails and the same is

dismissed only on the ground that the petitioners are guilty of laches. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

To

- 1 The Secretary to Government of Tamil Nadu
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
Tiruppur District
 - 4 The District Collector
Coimbatore District
 - 5 The District Collector
Erode District
- +1 cc to Government Pleader sr.17760

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