

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.12.2017
CORAM :
THE HONOURABLE Mr.JUSTICE T.RAJA
W.P.No.33007 of 2017

G.Vasudevan

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary of Government,
Rural Development Department,
Fort St.George, Chennai-600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai-600 015.

3.The District Collector,
(Panchayat Development),
Trichirapalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the representation dated 19.10.2017 seeking grant of monetary and other service benefits such as annual increments, movement to selection grade and promotions to higher posts with consequential arrears thereto, on merits and as per law within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.Jayaprakash Narayanan, Spl GP
(For R1 to R3)

सत्यमेव जयते
ORDER

This writ petition has been filed praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the representation dated 19.10.2017 given by the petitioner seeking grant of monetary and other service benefits such as annual increments, movement to selection grade and promotions to higher posts with consequential arrears thereto, on merits and as per law.

2.It is stated that the petitioner was appointed as Junior Assistant on compassionate ground by the 3rd respondent vide his proceedings dated 24.01.1982, as his father was medically invalidated from service on 17.09.1981. The 3rd respondent

sent a proposal dated 20.11.1987 to the 2nd respondent for regularisation of the services of the petitioner. In turn, the 2nd respondent sent a proposal dated 08.02.1988 to the Government seeking regularisation of the services of the petitioner. While so, the 3rd respondent passed an order dated 10.09.1990 terminating the services of the petitioner on the ground that the father of the petitioner was invalidated from service on medical grounds at the age of 54 years and that as per the Government Orders in respect of compassionate appointment, the dependants of Government servant who is invalidated before the age of 50 years alone are entitled for compassionate appointment. The said termination order dated 10.09.1990 was put to challenge by the petitioner before the Tribunal by filing O.A.No.2779 of 1990 and the Tribunal set aside the said impugned termination order dated 10.09.1990. Consequently, the petitioner was allowed to continue his service. Again proposals were sent to the Government for regularisation of the services of the petitioner. While the proposal for regularisation of the services of the petitioner was pending, the 3rd respondent passed an order on 06.06.2001 demoting the petitioner from the post of Junior Assistant to the post of Record Clerk, which was put under challenge by the petitioner by way of Writ Petition No.3472 of 2007 and this Court by order dated 11.10.2011 allowed the said writ petition setting aside the order dated 06.06.2001. Consequently, the petitioner was given the post of Junior Assistant.

3.It is submitted by the learned counsel for the petitioner that the Government has issued an order in G.O.(1Pa).No.254, dated 26.05.2017, giving certain benefits to the government servants. But, the said benefits have not been extended to the petitioner. Hence, the petitioner has given a representation to the respondents dated 19.10.2017 seeking to extend the benefits of the said GO. But, neither the said GO has been put into effect nor the representation of the petitioner was considered. Hence, the petitioner has come forward with this writ petition.

4.The learned Special Government Pleader appearing, who took notice for the respondents, sought time to consider the representation of the petitioner in the light of the aforesaid GO.

5.Placing on record the submission made by the learned Special Government Pleader, without going into the merits of the claim of the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 19.10.2017 in the light of G.O.(1Pa).No.254, dated 26.05.2017, and to pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssv

To,

1.The Secretary of Government,
State of Tamil Nadu
Rural Development Department,
Fort St.George, Chennai-600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai-600 015.

3.The District Collector,
(Panchayat Development),
Trichirapalli.

+1 cc to M/s.L.Chandrakumar Advocate sr 90553

+1 cc to Govt Pleader sr 91108

W.P.No.33007 of 2017

aa18/01/2018

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