

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HON'BLE MR.JUSTICE NOOTY. RAMAMOHANA RAO
and
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.2309 of 2013

V.Thangarasu ... Appellant/Petitioner

-vs-

- 1.Union of India represented by
the Chief Secretary to Government,
Government of Puducherry,
Secretariat, Beach Road,
Puducherry.
- 2.The Secretary to Health & Family Welfare,
Government of Puducherry,
Secretariat, Beach Road,
Puducherry.
- 3.The Additional Secretary (Revenue)
Government of Puducherry,
Secretariat, Beach Road,
Puducherry.
- 4.The District Collector of Puducherry,
Office of the District Collector,
Department of Revenue & Disaster Management,
Government of Puducherry,
New Saram, Puducherry.
- 5.The Director,
Directorate of Health & Family Welfare Services,
Health Department Complex,
New Saram, Puducherry.
- 6.The Deputy Director (Flaria)
Filaria Control Unit,
Puducherry.
- 7.The Assistant Director (Flaria)
Office of the Assistant Director (Flaria)
Filaria Control Unit,
Puducherry.

8.Senior Accounts Officer,
Directorate of Health & Family Welfare Services,
Health Department Complex,
New Saram,
Puducherry.

.. Respondents

Prayer: These writ appeal has been filed under clause 15 of the Letter Patent against the order passed by the learned Single Judge of this Court in W.P.No.26265 of 2013 dated 20.09.2013.

Writ petition filed under Article 226 of the Constitution of India, for the Issuance of Writ of certiorarified mandamus calling for the records relating to the impugned Official Communication Orders of the 4th respondent in his Communication Letters i) vide No.I.D. NO.2519/SS/DRM/A3/2010 dated 3.6.2010 and ii) vide No.Nil dated 20.7.2010 and quash the same as highly illegal unlawful arbitrary discriminative and violative of G.O.Rt. No.88/Rev dated 21.5.2006 passed by the 3rd respondent violative of Article 14 (Right to Equality) of Indian Constitution and violative of Doctrine of Equal Pay for Equal Work and consequently direct the 4th respondent to grant / provide additional remuneration to the petitioner immediately by strictly adhering the G.O.Rt. No.88/Rev dated 21.5.2006 passed by the third respondent and thereby ensure the Article 14 (Right to Equality) of Indian Constitution and doctrine of Equal pay for Equal Work.

For Appellant : Mr.Prakash Adiapadam for
Mr.J.Zeakumar

For Respondents : Mr.K.R.Harin, AGP (Pondy)

JUDGMENT

(Order of the Court was made by Nooty. Ramamohana Rao, J.)

This Writ Appeal is directed against the order rendered on 20.09.2013 in W.P.No.26265 of 2013, wherein, the writ petitioner/appellant sought to challenge the decision taken by the District Collector by order dated 03.06.2010, declining to entertain the claim made by the Puducherry State National Filariasis Control Programme Employees Association, seeking payment of additional remuneration of Rs.5,000/- to all the employees, who have participated in the relief and rehabilitation works in the post Tsunami period. That request has been turned down by the District Collector on the ground that the relief and rehabilitation works related matters, have already been closed on 31st March 2010 and as such, it is not proper to grant extra remuneration at this stage.

2. The unprecedented Tsunami occurred on 26.12.2004, leaving a huge trail of destruction on the coast line, particularly, in Tamil Nadu State. All sensible persons and organisations are found to have attended to the relief and rehabilitation works. Several Non-Governmental Organisations and individuals have participated in such works voluntarily. The State Government, on its part, deployed huge number of employees for attending to the relief and rehabilitation works.

3. It is the grievance of the writ petitioner/appellant that while the Government servants of Karaikal region have all received honorarium of Rs.5,000/-, because the proposals for payment of honorarium have been processed in time by the Head of Account of the Office, whereas, when it came to the employees of Puducherry region, no such prompt action has been taken by the Head of Account of the Office, resulting in several hundreds of employees of Puducherry region being denied the payment of honorarium of Rs.5,000/- for the relief and rehabilitation works carried out by them.

4. Now, the learned counsel appearing for the writ petitioner/appellant has contended that the District Collector, without appreciating that the delay is wholly on the part of the Head of Account of the Office in processing the claim of the writ petitioner/appellant and other similarly placed persons and without fixing the responsibility and accountability on those, who have committed default in processing the claim made by the writ petitioner/appellant promptly, has virtually rejected the claim of the writ petitioner/appellant and his likes from receiving honorarium, otherwise, due and payable to them.

5. There is no difficulty for us to appreciate that the Karaikal region Government employees have received the benefit of payment of honorarium for participation in the relief and rehabilitation works on account of Tsunami that had occurred in 2004, while simultaneously leaving out from such payment the employees of the Puducherry region. We have to appreciate that the funds have come from the Central Government and financial discipline requires that the claim of the writ petitioner/appellant shall be considered only before 31.03.2010 and not beyond that. In the instant case, the District Collector has gone on record that the matters relating to Tsunami Relief Works have been closed on 31st March 2010. Though the funds allocated by the Central Government as claimed by the writ petitioner/appellant to the tune of Rs.20,75,000/- are still lying in the office of the District Collector, nevertheless, we cannot compel them to disburse or call upon any such person to disburse contrary to the financial closure of such a Scheme. The mere availability of funds cannot be a reason for entertaining any such claim, as and when made. More than a decade time has already passed by and it is the writ petitioner and his likes,

who are Government Servants and whose services have been utilised. By the very nature of their calling, they are expected to swing right earnest in providing the relief and rehabilitation works to the victims of Tsunami in the year 2004. Though the claims of the Government employees of Karaikal region have been processed, apparently, there was a mistake in not processing the claims of the writ petitioner/appellant and his likes of the Puducherry region. It may be true that the writ petitioner/appellant is not at fault completely, but even then, the relief sought for by the writ petitioner/appellant, cannot be granted, ignoring the time frame to provide any such financial benefit.

6. We hope and trust that the District Collector would convey his displeasure to the Head of Puducherry Regional office for their failure in processing the claim of the writ petitioner/appellant and his likes with promptitude. We also hope that no such error would be repeated once again by those concerned.

7. With these observations, this writ appeal is disposed of. No costs.

8. The case of this nature, perhaps, calls for the attention of the Government of Puducherry for fixing responsibility and accountability.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.Union of India represented by
the Chief Secretary to Government,
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Secretariat, Beach Road,
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- 2.The Secretary to Health & Family Welfare,
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Secretariat, Beach Road,
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- 3.The Additional Secretary (Revenue)
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- 4.The District Collector of Puducherry,
Office of the District Collector,
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- 5.The Director,
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Directorate of Health & Family Welfare Services,
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Puducherry.

+1cc to Mr.J.Zeakumar, Advocate, S.R.No.54567

W.A.No.2309 of 2013

MSM (CO)
GN(30/08/2017)

सत्यमेव जयते

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