



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.2996 of 2013

WEB COPY

M.Yogeswaran,
S/o.Muthusamy Asari

... Petitioner

Vs.

1.The Chief Conservator of Forest,
Director of Sericulture,
Folks Compound,
Anaimeedu,
Salem - 636 001.

2.The Assistant Director of Sericulture,
Palani Road,
Meenakshi Naickenpatti Post,
Dindigul -1.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant Selection Grade in the post of Junior Inspector of Sericulture taking his service from 12.08.1981, when the petitioner was appointed as Demonstrator thereby taking the total service from the date of appointment ie., 12.08.1981 for grant of Selection Grade, thereby confer all service benefits with arrear.

For petitioner : Mr.M.V.Venkataseshan
For respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to grant Selection Grade in the post of Junior Inspector of Sericulture, taking the total service from the date of appointment ie., from 12.08.1981, and thereby confer all service benefits with arrears.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Sericulture Demonstrator on 12.08.1981 and on 01.10.1984, the post of Sericulture Demonstrator was merged with the post of Junior Inspector of Sericulture carrying the same scale of pay. Instead conferring Selection Grade in the year 1991 and Special Grades in the years 2001 and 2011, the respondents have conferred Selection Grade and Special Grade by taking the date of merger ie., from 01.10.1984. When the similarly placed persons



approached the Administrative Tribunal, on 05.11.1993 all the applications filed by similarly placed persons were allowed with a specific direction to the respondents to fix the pay in the scale of Junior Inspector of Sericulture and provide Selection Grade taking into account of the entire service in either of the categories of Sericulture Demonstrator or Junior Inspector after re-designation. The application filed by the other similarly placed employees was transferred to this Court and renumbered as W.P.No.28492 of 2006 and this Court, by order dated 01.07.2008, following the earlier decision of the Tribunal, has allowed the writ petitions directing the respondents therein to settle all the service benefits to the petitioners therein. Challenging the said order, the respondents therein filed W.A.No.1398 of 2008 (State of Tamil Nadu Vs. M.Sivasankar and another). A Division Bench of this Court, by order dated 21.04.2009, dismissed the said appeal holding that the original year of joining in service is to be considered for conferment of service benefits. Following the same, a learned Single Judge of this Court in a batch of writ petitions in W.P.No.9859 of 2012, etc. batch, (R.Mohanram and others Vs. State of Tamil Nadu and others) dated 26.04.2012, has set aside the order rejecting the similar claim and directed the respondents therein to extend the benefits to the petitioners therein as it is extended to similarly placed persons. As the petitioner is similarly placed person, the benefit ought to have been extended to him also. Thus, he prayed to allow this writ petition.

3. Heard the learned Government Advocate appearing for the respondents on the submissions made by the learned counsel for the petitioner.

4. The issue involved in this case is no more *res integra*, in view of the decision of the Division Bench of this Court in the case of M.Sivasankar, cited supra, wherein at paragraph Nos.5 to 7 it has been held as follows:

5. On a reading of the said order, it is not possible to accept the contention of the learned Government Pleader that the averments in the above said batch of cases are distinct from that of the respondent's case. The only difference is that the applicants therein have joined service in the year 1961 while the present respondents have joined in the year 1979. But, the post remains the same. The respondents have joined as temporary Sericulture Operatives which was subsequently merged and called as Sericulture Demonstrators from the year 1981 by G.O.Ms.No.603, dated 08.03.1989. Subsequently, Sericulture Demonstrators post itself has been merged with the Junior Inspector of Sericulture now called as Junior Inspector of Sericulture.

<https://hcservices.ecourts.gov.in/hcservices/> It is well settled that once similarly



placed persons as that of the respondents have been given a relief, the respondents are also entitled to get such benefits.

7. In that view of the matter, we see no reason to interfere with the order of the learned Single Judge. The Writ Appeal fails and the same is dismissed.

5. The learned Single Judge in the case of R.Mohanram, after referring to the decision of the Division Bench in the case of M.Sivasankar cited supra and various other decisions, held that similarly placed persons are bound to be treated equally without discrimination and benefit should be extended to them also.

6. Following the same, the respondents are directed to grant Selection Grade in the pay scale of Junior Inspector of Sericulture to the petitioner taking his total services from the date of his initial appointment ie., from 12.08.1981 and to pay consequential service and monetary benefits, within a period of 12 weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

gcg

To

1.The Chief Conservator of Forest,
Director of Sericulture,
Folks Compound,
Anaaimedu,
Salem - 636 001.

2.The Assistant Director of Sericulture,
Palani Road,
Meenakshi Naickenpatti Post,
Dindigul -1.

+2 CC to MR.M.V.VENKATASESAN, Advocate (SR-106222[F] dated 20/12/2019)

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