



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19339 of 2019

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R.Palanivel

... Petitioner

-Vs-

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

2. The Commissioner,
Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.

3. The Accountant General,
(Accounts & Entitlements Tamil Nadu),
361, Anna Salai, Chennai-600 078.

4. The District Collector,
Office of the Collectorate,
Theni District, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to pay the remaining one increment counted from 1972 payable as on 30.07.1992 and arrears as per the order dated 01.12.2016 made in W.P. (MD) No.1704 of 2014 on the file of this Court.

For Petitioner	: Mr.K.Appadurai
For R1, R2 & R4	: Mr.C.M.Mari Chellaiah Prabhu, Additional Government Pleader.
For R3	: Mr.P.Gunasekaran

ORDER

Heard Mr.K.Appadurai, learned counsel appearing on behalf of the writ petitioner, Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader, who takes notice on behalf of the respondents 1, 2 and 4 and Mr.P.Gunasekaran, learned counsel, who takes notice on behalf of the third respondent.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.This Writ Petition has been filed for a direction to direct the respondents herein to pay the remaining one increment counted from 1972 payable as on 30.07.1992 and arrears as per the order dated 01.12.2016 made in W.P.(MD)No.1704 of 2014 on the file of this Court.

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4.The learned counsel appearing on behalf of the petitioner contended that the petitioner was appointed as Rural Welfare Officer on 02.04.1975 in the Rural Development Department. After two years of training period from 1972 to 1974 and after 35 years of clean and continuous service, the petitioner was allowed to retire from service on 30.06.2008 in the post of Assistant Project Officer at Madurai Collectorate.

5.He further submitted that various Government Orders were issued with regard to granting two increments for the completion of two years training period. Finally, G.O.Ms.No.85, Rural Development, dated 10.07.2002, was issued granting two increments to the Rural Welfare Officers, who retired on or after 30.07.1992. Various Writ Petitions were filed for extending the said benefit to them also. The said Writ Petitions were allowed and the petitioners and 16 others also filed W.P.(MD)No.1704 of 2014. The said Writ Petition was disposed of by an order dated 01.12.2016, directing the respondents to extend the benefit of G.O.Ms.No.85, to the petitioner and 16 others. The respondents by G.O.Ms.No.308, Rural Development and Panchayat (Pa-4) Department, dated 02.07.2018, granted benefits only to the petitioners 3 and 14 in W.P.(MD)No.1704 of 2014 and did not extend the benefits to the petitioner herein and others at the wrong presumption that the benefits as per G.O.Ms.No.85 were already extended to the petitioner herein and others. In fact, only one increment was extended to the petitioner, though two increments were counted on 30.07.1992. The petitioner sent a representation dated 18.03.2019 to the first respondent, requesting to grant benefits as per G.O.Ms.No.85, to the petitioner also. But, the first respondent has not passed any order. Hence, the petitioner has come out with the present Writ Petition. The learned counsel appearing on behalf of the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the first respondent to consider the representation of the petitioner, dated 18.03.2019.

6.Though the petitioner has prayed for larger relief in the present Writ Petition, considering the contention of the learned counsel appearing on behalf of the petitioner and the respondents without deciding the claim of the petitioner on merits, it is suffice to direct the first respondent to consider the representation of the petitioner dated 18.03.2019 by taking into consideration of the order of this Court, dated 01.12.2016, made in W.P.(MD)No.1704 of 2014 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of service of this order.

<https://hcservices.hcscs.gov.in/hcservices/>



7. With the above direction, this Writ Petition stands disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AD-I)

Sub Assistant Registrar (CS)

To

1. The Secretary,
Rural Development Department,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.
3. The Accountant General,
(Accounts & Entitlements Tamil Nadu),
361, Anna Salai, Chennai-600 078.
4. The District Collector,
Office of the Collectorate,
Theni District, Theni.

+1 CC to Mr.K.APPADURAI, Advocate (SR-85681[F] dated 06/09/2019)
+1 CC to SPL.GP (SR-85872[F] dated 09/09/2019)
+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-85936[F] dated 09/09/2019)

W.P. (MD) No.19339 of 2019
06.09.2019

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