

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02..03..2020
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.11035 of 2013

Tamil Nadu Rural Development
Pensioner's Association,
Rep. by its State President,
Mr.R.A.Ayyanan,
No.22/37, Giru Bhavan,
Indira Gandhi Street,
Jawahar Nagar,
Thirumangalam,
Madurai 625 706.

... Petitioner

-Versus-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Rural Development
and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents herein to extend the benefits granted in G.O.Ms. No.85 Rural Development and Panchayat (PA4) Department dated 11.9.2012 to the members of Petitioner Association by counting two years Rural Welfare Officer Training period undergone by them for increment and grant increment in the posts in which they were holding as on 30.7.1992 and consequently refix their pay and pension together with arrears of pay and pension.

For Petitioner	: Mr.T.Hemalatha
For Respondent(s)	: Mr.S.Thangavel, Spl. G.P. for RR 1 and 2

ORDER

This writ petition has been filed by the Association known as "Tamil Nadu Rural Development Pensioner's Association" through its State Secretary, seeking a direction to extend the benefit granted in G.O.Ms.No.85, Rural Development and Panchayat (PA4) Department, dated 11.09.2012 to its members by counting their two years Rural Welfare Officer training period as the qualifying service for the purpose of calculation of pension.

2. According to the petitioner Association, its members are all retired employees of Rural Development Department. They retired as either Divisional Development Officer, Block Development Officer, Deputy Block Development Officer, Assistant or Junior Assistant. They had all undergone two years of training in the cadre of Rural Welfare Officer and therefore, they are entitled to get the benefits of G.O.Ms.No.85, Rural Development and Panchayat (PA4) Department, dated 11.09.2012. According to the petitioner, earlier, by G.O.Ms.535, Rural Development Department, dated 10.07.1986, though the Government had issued certain guidelines that the persons who have undergone Rural Welfare Officer Training are entitled to count their services for the purpose of seniority and increment, the benefits were given only prospectively. Subsequently, by way of another order in G.O.Ms.No.164, Rural Development Department, dated 30.07.1992, the Government had clarified the earlier order and revoked the earlier instructions given under G.O.Ms.534 dated 10.07.1986. Under G.O.Ms.164 dated 30.07.1992, the Government had clarified that the employees are entitled to count their training period only from the date of issuance of the Government Order. Thereafter, another order in G.O.Ms.No.85, Rural Development (E-2) Department, dated 10.07.2002 came to be issued by the Government stating that the training period undergone by the Rural Welfare Officer can be taken into account for the purpose of pension. The above said Government Order is still in operation. Despite such direction, the respondents are not giving the benefits of the Government Order to the members of the petitioner Association. Hence, this writ petition.

3. The 2nd respondent filed his counter affidavit inter alia contending that the grievance of the members of the petitioner Association would be considered favorably, provided each of the members submit their representation individually with the proof of training undergone by them through the District Collector of the District concerned from which they have retired and under whom they served. If any such representation is received, the authorities concerned would take necessary steps to obtain appropriate orders from the Government to count the training period for increment. The relevant portion of the counter reads

as follows:-

"In this regard, it is submitted that the request of the individuals to count the Rural Welfare officer Grade-II training period undergone by the petitioners will be considered favorably, provided the petitioners submit their representation with the proof of training undergone through the Collector of the District in which they retired from service. On receipt of the same from Collector, the Director of Rural Development and Panchayat Raj will obtain order from Government to count training period as Rural Welfare Officer Grade-II for increments."

4. I have heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and also perused the records carefully.

5. The learned counsel for the petitioner Association submitted that under similarly circumstances, this court had granted relief to the similarly placed persons by order dated 05.07.2011 made in W.P.Nos.33981 and 39046 of 2005.

6. Considering the fact that the respondents are prepared to consider the request, this court directs the members of the petitioner Association to submit their representation individually along with proof of training undergone by them to the Collector of the District concerned in which they retired from service within a period of four weeks from the date of receipt of a copy of this order and on receipt of such representations, the Collector of the District concerned and the Director, Rural Development and Panchayat Raj, Chennai, are directed to take necessary steps to obtain appropriate orders from the Government within a period of twelve weeks thereafter. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar (Writ)

//True Copy//

Sub Assistant Registrar

Kmk

To

1.The Secretary to Government,
Rural Development & Panchayat Raj
Department, Fort St. George,
Chennai 600 009.

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

3.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chenna 600 015.

+lcc to Mr.V.Suthakar, Advocate, S.R.No. 18782

W.P.No.11035 of 2013

RLD(CO)
GN(06/08/2020)



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