

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 10969 of 2007

Tamil Nadu Village Administrative
Officers Association Regn.No.40/84,
represented by its, State Vice President
G.Vasudevan ... Petitioner

Versus

- 1.The State of Tamilnadu represented by its
Secretary, Revenue Department,
Fort St.George, Chennai-600 009.
- 2.The District Revenue Officer,
Thanjavur District, Thanjavur. ... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the first respondent's order made in G.O.No.663 Revenue (Pani.7(1)) Department dated 10.10.2006, to quash the same in so far as the members of the petitioner's association enclosed to the Writ petition is concerned and to consequently direct the respondent to extend all the benefits of annual increment etc., without any deduction thereto from the date on which the same fell due and payable.

For Petitioners : Mr.L.ChandraKumar
For R1 to R3 : Mr.K.Magesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in G.O.No.663 Revenue (Pani.7 (1)) Department dated 10.10.2006 and seeks to quash the same in so far as the members of the petitioner's association enclosed to the Writ petition is concerned and consequently direct the respondent to extend all the benefits of annual increment etc., without any deduction thereto from the date on which the same fell due and payable.

2. The learned counsel for the petitioner would submit that the association filed writ petition stating that the members of the association were appointed in the year 1982 to 1998 and within two years, they have to pass the departmental test viz., Village Accounts, Powers and Duties and Village Sanitation. But in this case, the Government has not conducted the departmental test. However, soon after they were appointed, within two years from the date of appointment, they were given first increment and second increment respectively. The increment has been given, but after giving the increment, they passed a recovery order stating that since they did not complete the departmental test on 29.05.2002., therefore they are entitled to get second increment only from the date of passing of departmental examination dated 29.05.2002. Accordingly, the respondents passed the recovery order from the date of appointment till the passing of the departmental test, which was challenged by way of this Writ Petition.

3. The learned Special Government Pleader would submit that though the Government has to conduct examination for every year, the said examination was not conducted in that particular year. However, in this case, the Government have not conducted the departmental examination from the date of appointment till 2002.

4. Heard and perused the records available on record.

5. Since the Government has conducted the examination only in the year 2002, the member of the petitioner's association cannot be found fault with. A Special Government Order has also been passed, which confirms that the Government has not conducted the examination till 29.05.2002. Therefore, the petitioner's employees cannot be punished for the fault on the part of the respondents in not conducting the examination.

6. Considering the facts and circumstances of the case the recovery order passed by the first respondent is set aside and this Writ Petition is allowed. Accordingly, this Writ Petition is allowed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mpa

To

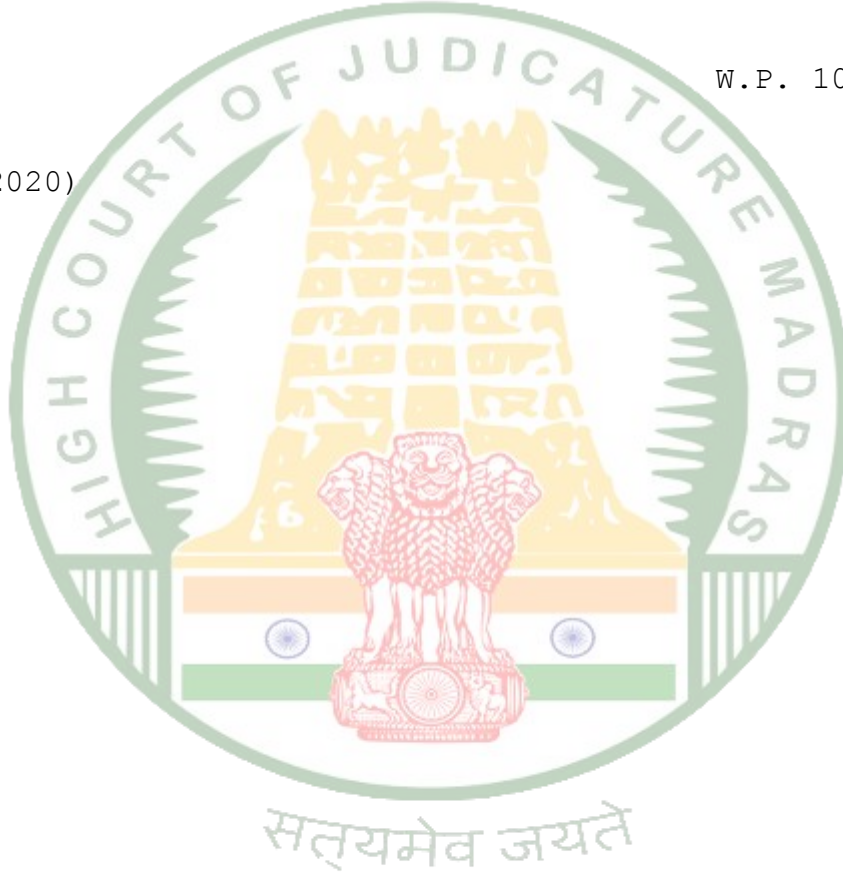
1.The Secretary,State of Tamil Nadu
Revenue Department,
Fort St.George, Chennai-600 009.

2.The District Revenue Officer,
Thanjavur District, Thanjavur.

+1 CC to Mr.L.ChandraKumar, Advocate sr 34927
+1 CC to The Government Pleader sr 35055.

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PM(CO)
SP(09/12/2020)



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