

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.16577 of 2011

J.Renganathan

...Petitioner

-Vs-

1.The Secretary to Government

Handloom, Handicrafts, Textiles &
Khadi Department, Secretariat
Chennai 600 009.

2.The Director of Sericulture, Anaimeedu
Salem-1.

3.The Assistant Director of Sericulture
ELLIS Chattram Road
Vazuthareddy, Villupuram.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to grant to the petitioner Selection Grade in the post of Junior Inspector with effect from date of joining the respondent's department as Sericulture Demonstrator and pay him all the arrears and other benefits based on his representation dated 10.02.2011.

For Petitioner : Ms.R.Meenal

For Respondents : Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondents to grant to the petitioner Selection Grade in the post of Junior Inspector with effect from date of joining the respondent's department as Sericulture Demonstrator and pay him all the arrears and other benefits based on his representation dated 10.02.2011.

2. That the petitioner was appointed as Sericulture Demonstrator at the respondent Department on 10.08.1981, though he was having the qualification to be considered for the appointment to the post Junior Inspector, Sericulture Department, and in that capacity he was working for some years.

3. Subsequently, the post of Sericulture Demonstrator was merged with the post of Junior Inspector, Sericulture Department vide G.O.Ms.No.603, Industries Department dated 08.05.1981 and G.O.Ms.No.694 Finance (Pay Cell) Department dated 11.08.1980 and G.O.Ms.No.310/HHT and K Department dated 07.11.1987. Though the post of Sericulture Demonstrator was merged with the post of Junior Inspector, Sericulture Department, as stated above in various Government Orders, the service rendered by the petitioner as Sericulture Demonstrator was not taken into account for the purpose of calculating the length of service in the category of Junior Inspector to confer the status of Selection Grade and Special Grade and the attendant financial and service benefits to the petitioner. Hence, the petitioner has filed the present writ petition seeking the aforesaid prayer.

4. Heard Ms.R.Meenal, learned counsel for the petitioner, who straight away relied upon the earlier orders passed by this Court, where the issue raised in this writ petition was discussed and decided in favour of the petitioners, who are similarly placed like the petitioner.

5. In this context, the learned counsel has relied upon the order passed by a learned Judge of this Court dated 26.04.2002 made in W.P.No.9859 of 2002 etc., batch. The learned counsel would also submit that, following the said decision, two other similarly placed persons filed writ petitions, which were also decided in favour the petitioners therein by an order dated 21.08.2012 made in W.P.No.24111 and 24112 of 2011.

6. By relying upon the above decisions, the learned counsel for the petitioner would contend that, since the petitioner is similarly placed like that of the petitioners in the above writ petitions, he is also entitled to get the relief as has been given to those petitioners and hence he seeks the indulgence of this Court.

7. On the other hand, the learned Special Government Pleader has fairly submitted that, the above orders were given effect to and in respect of the petitioners therein, the benefit of conferring Selection Grade and Special Grade on the basis of the length of service rendered in the post of Sericulture Demonstrator was extended to the petitioners therein.

8. I have considered the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader and also perused the materials placed on record.

9. In the judgment dated 26.04.2012, the learned Judge, having considered all the relevant issues with regard to the prayer sought for therein to extend the benefits to those who initially worked as Sericulture Demonstrator and subsequently got merged with Junior Inspector, Sericulture Department for the purpose of conferring the status of Selection Grade and Special Grade in that category and accordingly, the learned Judge, in the said decision has passed the following order.

" 15. Applying the above said decisions to the facts of these cases, the impugned orders are set aside and the respondents are directed to extend the benefit to the petitioners as it is extended to similarly placed persons by the order of the Department dated 25.08.1996 and 26.10.2010 and the benefit should be extended and paid to the petitioners within a period of three months from the date of receipt of a copy of this order."

10. Following the same, another learned Judge of this Court allowed two more writ petitions of similarly placed writ petitioners by an order dated 21.08.2012 in W.P.Nos.24111 and 24112 of 2011, where also similar orders were passed by stating the following.

" 3. The petitioners have come up with the present writ petitions challenging the orders of the second respondent dated 31.05.2011 and 05.08.2011 respectively, rejecting their representations dated 09.02.2011 and 04.05.2011 respectively and consequently, directing the respondents to extend the benefits of the order of this Court dated 01.07.2008 made in W.P.No.28492 of 2006 as confirmed in W.A.No.1398 of 2008 dated 21.04.2009 and grant all attendant service benefits to them.

4. Learned counsel appearing for the petitioners submitted that the issue in question is covered by the order of this Court dated 26.04.2012 made in W.P.Nos.9859, 10548 and 11098 of 2012 and this Court and in those matters, set aside the orders passed by the respondents and directed them to extend the benefits to the petitioners therein as it was extended to similarly placed persons by the order of this Department dated 25.08.1996 and

26.10.2010 and the benefits should be extended and paid to the petitioners thereon within a period of three months from the date of receipt of a copy of that order.

5. In view of the same, the impugned orders of the second respondent dated 31.05.2011 and 05.08.2011 respectively rejecting the petitioner's representations dated 09.02.2011 and 04.05.2011 respectively are set aside and both the writ petitions stand allowed. The respondents are directed to extend the benefits of the orders of this Court dated 01.07.2008 in W.P.No.28492 of 2006 as confirmed in W.A.No.1398 of 2008 dated 21.04.2009 and grant all attendant service benefits to them. No costs."

11. In view of the said orders having been passed in various writ petitions, where similarly placed persons, who were working in the respondent Department had been given or conferred the benefit of Selection Grade / Special Grade in the category of Junior Inspector, Sericulture Department by calculating the services rendered by them, while they were working as Sericulture Demonstrator and therefore, this Court feels that the said benefit can very well be extended to the petitioner herein also.

12. In that view of the matter, this Court is inclined to dispose of this writ petition by passing the following order.

That the respondents are directed to extend the benefit of conferring Selection Grade / Selection Grade to the petitioner in the post of Junior Inspector, Sericulture Department, if he is otherwise eligible, by taking into account (or) calculating the total service rendered by the petitioner, while he was working as Sericulture Demonstrator as well as the present designation ie., Junior Inspector, Sericulture Department and accordingly confer those benefits to the petitioner with all service and monetary benefits. Needful in this regard shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

13. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Secretary to Government
Handloom, Handicrafts, Textiles &
Khadi Department, Secretariat
Chennai 600 009.
2. The Director of Sericulture, Anaaimedu
Salem-1.
3. The Assistant Director of Sericulture
ELLIS Chattram Road
Vazuthareddy, Villupuram.

+1cc to Mrs.Meenal, Advocate, S.R.No.8726
+1cc to the Government Pleader, S.R.No.8792

W.P.No.16577 of 2011

VBM(CO)
RG(13/07/2021)



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R. SURESH KUMAR, J.

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