



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

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THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.20153 of 2021

(Through Video Conferencing)

V.Ariyanayagam ... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Rural Development & Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The District Collector,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 05.08.2021 given by the petitioner seeking 2 years increment in the post held by the petitioner as on 30.07.1992 continuously upto his dated of retirement and consequently take into account the said increments in the pensionary benefits and in the monthly pension of the petitioner and pay all monetary benefits and other attendant benefits as paid to other set of RWO Gr.IIs.

For Petitioner : Mr.K.Raja

For Respondents: Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner completed the Certificate in Agricultural Science from National Council for Rural Higher Education at Gandhi Gramam, Madurai District.



2. Since the petitioner had the aforesaid qualification, he was directly appointed as Grama Sevak Grade-II in the year 1961 in terms of G.O.Ms.No.3270, Rural development and Local Administration Department dated 11.12.1961. Since the petitioner had already obtained the aforesaid qualification from the National Council for Rural Higher Education at Gandhi Gramam, Madurai in Agricultural Science, the petitioner was dispensed from undergoing two years integrated course of training at the Rural Extension Training Centers. The Government of Tamil Nadu by G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992 gave monetary benefits to those persons prospectively i.e., from the date of issuance of G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992 to the persons who have to undergo two years integrated course of training at the Rural Extension Training Centers. The relevant portion from the said Government Order reads as under:-

"4. The Government accordingly direct that, those who had already undergone Rural Welfare Officer's training prior to the issue of G.O.(Ms) No.535, Rural Development dated 10.07.1986 and now working in different categories under Single Service Rules be permitted to count that training period for probation and increment. The monetary benefit will be given to them prospectively i.e. from the date of issue of this order, without retrospective monetary benefit."

The aforesaid Government Order was also implemented later by the first respondent in G.O.Ms.No.367, Rural Development Department by granting two increments on 30.12.1997.

3. It is the case of the petitioner that persons like petitioner have been left though the petitioner had the requisite qualification at the time of entry into service as Grama Sevak Grade-II and were dispensed with from under training whereas, the persons who did not possess the requisite qualification and had to undergo training have been given the benefit of increment under G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992.

4. The learned counsel for the petitioner submits that some of those persons who did not get the benefit of G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992 who had undergone the two years integrated course training at the Rural Extension Training Centers had also approached this Court in W.P.Nos.33981 & 39046 of 2005 and that the writ petition also came to be allowed on 05.07.2011 with the following observations:-



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"10. In view of the aforesaid reasons, this court is inclined to direct the respondents herein to pay the increments to the petitioners for the training period in the post held by them as on 20.07.1992 continuously up to the date of retirement of the petitioners and consequently, take into account the said increments in the pensionary benefits and in the monthly pension of the petitioners. It is made clear that the above said process shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

5. The learned counsel for the petitioner further submits that representation of the petitioner for granting the above relief has been rejected on the ground that the petitioner did not approach at an earlier point of time and therefore the petitioner was not entitled to receive the benefit. He submits that the petitioner has sent a representation to the respondents once again on 05.08.2021 which has not evoked any response from the respondents.

6. Appearing on behalf of the respondents, the learned Government Advocate for the respondents submits that the writ petition is delayed and therefore is liable to be dismissed on account of laches. He submits that the petitioner was appointed in 1961 as Grama Sevak Grade-II and the benefit of increment was given only to those who did not possess the requisite qualification and had undergone the training at Rural Extension Training Centers were given as early as on 1992 vide G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992. It is submitted that the petitioner having slept over his so called right in the year 1992 cannot now at this point of time ask for the relief. He further submits that the petitioner and the persons governed by G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992 to whom the benefit of the aforesaid Government Order was conferred by G.O.Ms.No. 367 Rural Development Department dated 30.12.1997 were different and the benefit was not applicable to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. I have perused the order rejecting the request of the petitioner.



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8. The only reason given by rejecting the request of the petitioner is that the petitioner has not approached the respondents at an earlier point of time. The petitioner thereafter sent a detailed representation dated 05.08.2021 to the respondents.

9. Petitioner and persons like him who were appointed way back in 1961 in terms of G.O.Ms.No.3270, Rural Development and Local Administration Department dated 11.12.1961 have been discriminated inasmuch as the persons holding requisite qualification from National Council for Rural Higher Education have not given any incentive increments whereas, the persons who did not possess the requisite qualification and had undergone two years of training were given benefit vide G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992.

10. Though the writ petition has been filed belatedly, what is apparent is that Prima facie there is an unfair discrimination between two sets of persons appointed on the same date. The State being the largest employer cannot discriminate between the employees. This Court is therefore inclined to dispose this writ petition by directing the respondents to consider the representation of the petitioner dated 05.08.2021 and dispose the same by treating all the persons who were employed in terms of G.O.Ms.No.3270, Rural Development and Local Administration Department dated 11.12.1961 at the Rural Extension Training Centers on par within a period of eight weeks from the date of receipt of a copy of this order.

11. In case there the petitioner was not required to undergo training because, the petitioner was already qualified, the benefit under G.O.Ms.No.164, Rural Development (E4) Department dated 30.07.1992 shall be extended to the petitioner and similarly placed persons on merits.

12. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

arb/nst



To

1.The Secretary,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.

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

3.The District Collector,
Karur District.

+1cc to Government Pleader SR.No.49051

W.P.No.20153 of 2021

SS(CO)
GMY(27/10/2021)