



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No. 2508 of 2018

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K. Murukesa Pillai

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Rural Development Department,
Chennai.

2. The Director,
Rural Development and Panchayatraj
Department,
Panagal Building,
Saidapet, Chennai -15.

3. The Accountant General,
(Accounts & Entitlement Tamil Nadu),
361, Anna Salai,
Chennai - 78.

4. The District Collector,
Office of the Collectorate,
Kanyakumari District,
at Nagercoil.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent herein to consider the proceedings of fourth respondent in No.E1/5552/2016 dated 28.09.2017 and to extend the benefits of G.O. (Ms).No. 85 Rural Development & Panchayatraj (PA-4) Department dated 11.09.2012 & G.O.(Ms) No. 162 Rural Development & Panchayatraj (PA-4) Department dated 23.12.2014 to the petitioner in the light of order of W.P.(MD).No. 5049 and 5607 of 2015 dated 27.04.2015 and pass orders.

For Petitioner : M/s. A.P. Muthu Pandian

For Respondents : Mr. K.S. Selvaganesan
Additional Government Pleader
for R1, R2 and R4

Mr. P. Gunasekaran
for R3



ORDER

Heard Mr. A.P. Muthu Pandian, learned counsel for the petitioner, Mr. Selvaganesan, learned Additional Government Pleader for R1, R2 and R4 and Mr. Gunasekaran, learned counsel for R3. They bring to my attention an order passed by me in W.P.(MD).No.2624 of 2018 and batch on 09.11.2021, which, they state, would apply on all fours to the present case as well.

2. The aforesaid order reads as follows:

5. This Court, by order dated 27.04.2015, has granted the identical benefits as sought for by the petitioners before me, in the case of 16 retired Block Development Officers and paragraph No.5 of the order is extracted below:

"5. In view of the admitted facts, it is obligatory on the part of the respondents to treat the petitioners alike. Hence, there shall be a mandamus to the respondents to pay increments and other monetary benefits to the petitioners for the training period in the posts held by the petitioners continuously upto the date of retirement and consequently grant increments and pensionary benefits and revise the monthly pension of the petitioners, with all monetary and other benefits. Eight weeks time from the date of receipt of the order is given for processing and implementation of the orders."

6. A tentative attempt is made by the learned counsel appearing for R3, relying upon the judgment of the Hon'ble Supreme Court in the case of C. Jacob vs. Director of Geology and Mining, Trichy reported in (2018 (10) SCC 115), to the effect that the impugned communication dated 17.11.2017, is only a response to representation made by the petitioners and it will not, by itself, revitalise a stale claim.

7. The order of rejection does not state anywhere that the claims made of the petitioners was stale and the only reason adduced is that the petitioners have not approached the Court by way of a separate writ petition. In my view, this reasoning is liable to be rejected straightaway in light of the proceedings of the Director of Rural



Development and Panchayat Raj, R2, dated 28.12.2015.

8. The aforesaid communication captures the gist of the issue under resolution and R2, in conclusion states, that the claims of similarly placed persons must be considered, subject to their furnishing sufficient proof of employment, even if they have not approached the Court.

9. He goes on to say that such claims must be considered upon they furnishing sufficient proof, without even the necessity for a counter need to be filed in such matters. The intention of the respondents to settle claims raised on this score, without agitating the same, is thus apparent.

10. Communication dated 28.12.2015 is extracted in full:-

"Many of the staff recruited as Grama Sevak/RWO Grade II and undergone training in the cadre of Grama Sevak/RWO Grade II and retired subsequently in various posts in Rural Development and Panchayat Raj Department have filed Writ Petitions in the Madras High Court and Madurai Bench of Madras High Court with a prayer as specified below:

I. To pay increments for the training period in the post held by them as on 30.7.1992 continuously up to the date of retirement.

II. And consequently take into account the said increments in the pensionary benefits and in the monthly pension.

III. With all monetary and other attendant benefits as per G.O(Ms) No. 85, Rural Development and Panchayat Raj Department, dated 11.09.2012 based upon the order passed by the Hon'ble Court in W.P.No.33981/2005 and 39046/2005 dated 05.07.2011.

In this regard, the following decisions were taken in the meeting with Finance Secretary on 04.11.2015 to avoid further litigation.

1. Cases of similarly placed persons covered in various judgments can be considered, if they furnish sufficient



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proof for their employment without approaching the Court.

2. Cases of those individuals who have already approached the Court can also be considered if they furnish sufficient proof. In such cases, instead of filing Reply Affidavit, Court may be informed of the action taken by the Department to settle the issue.

Cases of those individuals who have furnished sufficient proof and withdraw the Court case may also be considered.

3. In all such cases, the department should satisfy the correctness of the proof furnished by the individuals, process and settle the issue."

11. In the light of the discussion as aforesaid, order dated 17.11.2017 impugned in W.P. (MD).No.2627 of 2018 is set aside R1 shall sanction/approve the claim of the petitioners and forward said approval to R3, who shall act upon the same and pay over the amounts due, within a period of three weeks from date of receipt of approval from R1.

12. In the case of the other petitioners, let a representation be made by them before R2 enclosing proof of their period of service, upon receipt of which, necessary approval shall be given by R1, within a period of one week from the date of receipt of representation and R3 is directed to pay over the amount due to them, within a period of three weeks from the date of receipt of approval.

13. These Writ petitions are allowed. No costs."

3. In addition, the respondents bring to my attention that the proposal for payment of the benefits sought for by the petitioner is under process and has been forwarded by R4, District Collector to R2, Director of Rural Development and Panchayat Raj Department, where it is presently pending.

4. A direction is thus issued to R2 to pass appropriate orders upon the representation of the petitioner dated 23.11.2016, set out at reference 1 in proceedings bearing No. E1/5552/2016 dated 28.09.2017 of R2, and dispose the same expeditiously.



5. All respondents, including R1 and R3, are directed to give consequential effect to the order of R2 and the aforesaid exercise shall be completed within a period of (eight) 8 weeks from date of uploading of a copy of this order upon the official website of this court. The writ petition is disposed as aforesaid. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Rural Development Department,
Chennai.
2. The Director,
Rural Development and Panchayatraj
Department,
Panagal Building,
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3. The Accountant General,
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361, Anna Salai, Chennai - 78. WP.
4. The District Collector,
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Kanyakumari District at Nagercoil.

+1 CC to M/s.SPL GP (SR-34461[F] dated 15/11/2021)

W.P. (MD) No. 2508 of 2018

12.11.2021

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