



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.11.2021

CORAM:

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.2624, 2625 and 2627 of 2018

W.P. (MD) .No.2624 of 2018

M.Lawrence

... 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 & Entitlements Tamil Nadu),
361, Anna Salai,
Chennai -78.

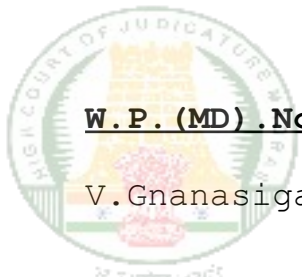
4.The District Collector,
Office of the Collectorate,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to consider the proceedings of the fourth respondent in No.E1/42325/2016, dated 03.07.2017 and to extend the benefits of G.O.(Ms).No.85, Rural Development and Panchayatraj (PA-4) Department, dated 11.09.2012 and G.O.(Ms.). No.162, Rural Development and Panchayatraj (PA-4) Department, dated 23.12.2014 to the petitioner, in the light of order of the W.P.(MD). Nos.5049 and 5607 of 2015, dated 27.04.2015.

For Petitioner
For R1, R2 & R4

: Mr.A.P.Muthupandian
: Mr.K.S.Selvaganesan
Standing counsel for the State



W.P. (MD) .No.2625 of 2018

V.Gnanasigamony

... 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 & Entitlements Tamil Nadu),
361, Anna Salai,
Chennai -78.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to consider the proceedings of the fourth respondent in No.E1/5552/2016, dated 19.08.2016 and to extend the benefits of G.O.(Ms).No.85, Rural Development and Panchayatraj (PA-4) Department, dated 11.09.2012 and G.O.(Ms.).No.162, Rural Development and Panchayatraj (PA-4) Department, dated 23.12.2014 to the petitioner, in the light of order of the W.P.(MD).Nos.5049 and 5607 of 2015, dated 27.04.2015.

For Petitioner
For R1, R2 & R4

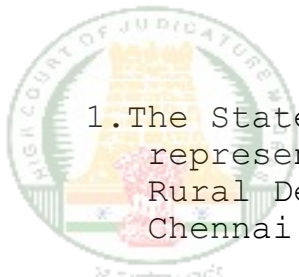
: Mr.A.P.Muthupandian
: Mr.K.S.Selvaganesan
Standing counsel for the State

W.P. (MD) .No.2627 of 2018

1.N.Somasundaram
2.S.Balakrishnan
3.V.Ramasamy
4.M.S.Iruthayaraj
5.P.Soman
6.A.Gurusamy

... Petitioners

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

4.The District Collector,
Office of the Collectorate,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the common impugned proceedings in ந.க.ப.பி2/2568/2016, dated 17.11.2017 passed by the fourth respondent herein and quash the same and consequently directing the respondents herein to extend the benefits of G.O.(Ms). No.85, Rural Development and Panchayatraj (PA-4) Department, dated 11.09.2012 and G.O.(Ms.).No.162, Rural Development and Panchayatraj (PA-4) Department, dated 23.12.2014 to the petitioner, in the light of order of the W.P.(MD).Nos.5049 and 5607 of 2015, dated 27.04.2015.

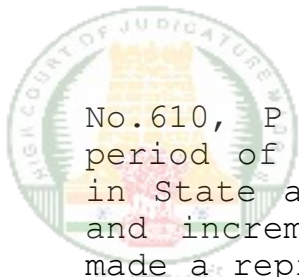
For Petitioner	:	Mr.A.P.Muthupandian
For R1, R2 & R4	:	Mr.K.S.Selvaganesan
		Standing counsel for the State

C O M M O N O R D E R

This batch of three writ petitions have been filed by eight Block Development Officers, who retired from service on 31.06.1998, 31.05.1995, 31.05.1998, 30.06.1999, 31.07.1995, 31.05.2002, 30.09.1997 and 30.04.2005. The petitioners were initially appointed as Rural Welfare Officers, underwent training at the Government Training Centres for the stipulated period and after completion of training, were deputed as Grama Sevaks in various locations, retiring as Block Development Officers on the aforesaid dates.

2. The State of Tamil Nadu passed G.O.(Ms.).No.1373, P & AR (Per.B) Department, dated 26.12.1979 and thereafter, G.O.(Ms.).

<https://hcservices.ecourts.gov.in/hcservices/>



No.610, P & A (Per.M), dated 28.06.1982, to the effect that the period of training wherever prescribed in direct recruitment posts in State and Subordinate Services, should count both for probation and increment. Thus, the petitioners in W.P.(MD).No.2627 of 2018 made a representation seeking the benefits under the aforesaid G.Os. and the representation dated 07.11.2017 came to be rejected, by proceedings of the fourth respondent ie., the District Collector, R4, vide impugned order, dated 17.11.2017.

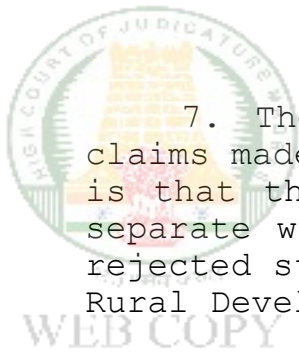
3. The reasoning adduced by R4 is to the effect that the petitioners have not approached this Court by way of specific writ petitions seeking relief under the G.Os. and in seeking such relief have merely relied upon orders passed in the case of other identically placed employees. According to R4, unless a specific representation and claim had been made by the petitioners in this regard, their claim was not liable to be considered favourably.

4. As far as the petitioners in the two other writ petitions are concerned, ie., W.P.(MD).Nos.2624 and 2625 of 2018, no representation appears to have been made by them and all they seek is to be granted the same benefit as granted in the case of other identically placed employees. For this purpose, they rely upon proceedings of R4, dated 19.08.2016, granting them the benefits of the two Government Orders as cited aforesaid, as well as orders passed in W.P.(MD).Nos.5049 and 5607 of 2015, dated 27.04.2015.

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 monitory 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 below 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 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.*

3. Cases of those individuals who have furnished



sufficient proof and withdraw the Court case may also be considered.

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

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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.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

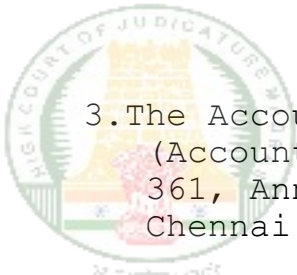
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Principal Secretary to Government,
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4.The District Collector,
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Nagercoil.

5. The District Collector,
Office of the Collectorate,
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-33964[F],33954 dated 10/11/2021)

W.P. (MD) .No.2624, 2625 and 2627 of 2018
09.11.2021

PS (CO)
KB(29.11.2021) 7P 7C