



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.11.2021

Pronounced on : 18.11.2021

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.14731 of 2014

S. Parthiban

:Petitioner

..vs..

1.The State of Tamil Nadu,
rep. By its Secretary,
Department of Rural Development,
Fort. St. George, Chennai - 600 009.

2.The Director of Rural Development,
Panagal Building,
No.151, Jennis Road,
Saidapet, Chennai - 600 015.

3.The Commissioner,
Aruppukottai Panchayat Union,
Aruppukottai,
Virudhunagar District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.87941 / 2013 / E1 dated 24.06.2014, quash the same and further direct the respondents herein sanction and disburse forthwith the remaining service benefits, revised salary and revised pension by considering the petitioner's father's service from the date of appointment viz., 18.04.1968 in the light of the orders of this Court dated 19.04.2006 in W.P.Nos.30003, 30750 etc., 2002 and Writ Petitions Nos. 8464 and 8469 of 2009 dated 02.09.2010 and W.A.Nos.198 and 1098 of 2012 dated 21.01.2013.

For Petitioner : Mr. E.V.N. Siva

For respondents : Mr. R. Ragavendran
Government Advocate (Civil side)



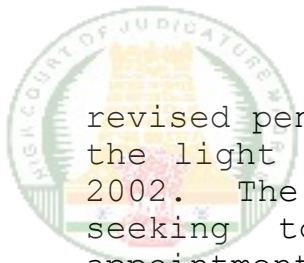
O R D E R

This Writ Petition has been filed to call for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.87941 / 2013 / E1, dated 24.06.2014 and further direct the respondents herein to sanction and disburse the remaining service benefits, revised salary and revised pension by considering the petitioner's father's service from the date of appointment viz., 18.04.1968, in the light of the orders passed by this Court, dated 19.04.2006 passed in W.P.Nos.30003, 30750 etc., 2002 and W.P.Nos. 8464 and 8469 of 2009, dated 02.09.2010 and W.A.Nos.198 and 1098 of 2012, dated 21.01.2013.

2. The petitioner has filed this Writ Petition seeking to disburse the terminal benefits of his father. The petitioner's father was appointed as Rural Medical Officer by the 3rd respondent viz., the Commissioner, Aruppukkottai Panchayat Union, Virudhungan District vide proceeding in R.O.C.No.03.11296/67, dated 18.04.1968 and has attained superannuation on 30.06.1989. The petitioner's father died on 30.06.2002 and subsequently, the petitioner's mother also died on 23.11.2010.

3. The petitioner claims that pursuant to the order of Hon'ble Court the government placed the Rural Medical Officers under time scale of pay with effect from 01.10.1984 vide G.O. Ms. No. 16 Rural Development Department dated 29.01.1998. However later on the State Government issued G.O. Ms. No. 250 Rural Development Department dated 14.09.2000 denying the service benefits to the Rural Medical Officers. Hence a batch of writ petitions were filed challenging the said G.O. 250 in W.P.Nos. 30003, 30750 of 2002 etc., and vide order dated 19.04.2006 the G.O. was held invalid so far as it deny service benefits to Rural Medical Officers and further held that the Rural Medical Officers are entitled to pension and other service benefits. Thereafter, similarly placed persons had filed Writ Petitions in W.P.Nos.8457, 8464 and 8469 of 2009 seeking service benefits and this Court vide order, dated 02.09.2010 allowed those Writ Petitions by directing the respondents to disburse the monetary benefits. Aggrieved over the same, the respondents filed W.A.Nos.198 and 1098 of 2012 and the same were dismissed vide order, dated 21.01.2013. The Government in order to comply with the Writ Appeal order, has passed G.O.Ms.No.408, Finance Department dated 25.08.2009 and granted benefits to the similarly placed persons.

4. The petitioner claims that his father attained superannuation before the aforesaid order i.e., on 30.06.1989 and service benefits were disbursed by taking into the service from 01.10.1984 in the light of the G.O.Ms.No.16 (Rural Development Department) dated 29.01.1998. However, the Government denied the service benefits, revised salary and



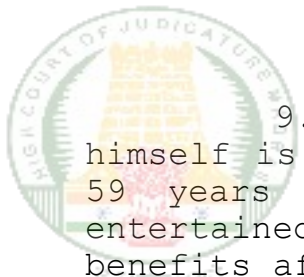
revised pension from the date of appointment i.e., on 18.04.1968 in the light of the order, dated 19.04.2006 passed in W.P.No.30003 of 2002. The petitioner submitted a representation, dated 28.05.2013 seeking to disburse the remaining amount from the date of appointment and thereafter filed W.P(MD).No.1427 of 2014 before this Court and this Court vide order dated 28.01.2014 directed the 2nd respondent to consider the petitioner's representation dated 02.12.2013 and pass orders within a period of eight weeks. The 2nd respondent passed the impugned order, dated 24.06.2014 and has stated that the petitioner's father is not entitled to get the benefits of W.A.Nos.198 and 1098 of 2012 since it is applicable to the parties therein. The petitioner's claim is to grant the benefits in the light of the aforesaid Writ Appeal order as well as G.O. 408, dated 25.08.2009.

5. The third respondent has filed a counter and denied all the allegations stated by the petitioner. The respondent has taken a specific stand that the petitioner has not filed any Writ Petition at the earliest point of time. Since some other persons have filed Writ Petitions and obtained an order the Writ Petitioner cannot claim the benefits of the same to his father. Moreover, G.O passed in order to comply with the Court orders and the same would cover only to the person who had filed the Writ Petitions. Those G.Os are passed for a particular persons. In other words the G.Os are passed in *persona* and they are not passed in *rem*. It is also stated that the petitioner's father was appointed temporarily on part time basis with consolidated salary. Though the petitioner's father has attained superannuation on 30.06.1989, prior to the issuance of the Government order brought them under the Time Scale of Pay with retrospective effect from 01.10.1984. The petitioner's father has received the Time Scale of Pay only for a period of four years and as per the Tamil Nadu Pension Rule 11(4), he is not entitled to get pension.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Civil Side) appearing for the respondents.

7. It is seen from the records that the petitioner's father has attained superannuation as early as on 30.06.1989 and subsequently, died on 30.06.2002. The petitioner's mother died on 23.11.2010 and she has not claimed any such benefits. This Court has passed an order in the similarly placed persons as early as in the year 2006, but, the petitioner has filed the present petition on behalf of his father in the year 2014 i.e., after the lapse of eight years.

8. The petitioner's father has received the Time Scale of Pay only for a period of four years and has not served for 10 years and on this count, the petition has no merit.



9. It is also seen from the records that the petitioner himself is 52 years old at the time of filing Writ Petition and is 59 years as of today. If this kind of Writ Petition is entertained, there will be no end to the litigation seeking terminal benefits after the demise of the parents. The petition is hopelessly hit by the principles of latches. Since the petition is filed by the petitioner in the year 2014 after 12 years of his father's demise, this Court is of the view that this Writ Petition is devoid of merits.

10. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1. The Secretary,
Department of Rural Development,
Fort. St. George, Chennai - 600 009.

2.The Director of Rural Development,
Panagal Building,
No.151, Jennis Road,
Saidapet, Chennai - 600 015.

3.The Commissioner,
Aruppukottai Panchayat Union,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-35194[F] dated 19/11/2021)

W.P(MD) No.14731 of 2014
18.11.2021

MGJ(03.12.2021) 4P 5C