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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23482 of 2010

and

M.P. No. 1 of 2010

R.Aravindan

... Petitioner

-vs-

1. The Commissioner of Rural Development
and Panchayat Raj
Saidapet, Chennai - 600 015.

2. The Principal Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St. George
Chennai-600 009.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected to G.O. (Ms) No. 138, Rural Development and Panchayat Raj (Pa.A4) Department, dated 28.08.2008 and also Government Letter No. 15476/Pa.A4/2009 dated 15.09.2009 of the second respondent and quash the same in so far as it given effect from the date of issuance of the Government Order and direct the respondents to give effect of the above said Government Order either from 16.04.2008 or 14.07.2008.

For Petitioner : Mr. K.Sannjay

For Respondents: Ms. E.Ranganayaki
Additional Government Pleader

O R D E R
(through video conference)

Heard Mr. K.Sannjay, Learned Counsel for the Petitioner and Ms. E.Ranganayaki, Learned Additional Government Pleader for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



2. The then Minister for Rural Development and Local Administration, Government of Tamil Nadu had made an announcement on the floor of the State Legislative Assembly on 16.04.2008 that the posts of Extension Officer in Rural Development and Panchayat Raj Department will be upgraded as Deputy Block Development Officer. In furtherance to the same, the Government of Tamil Nadu by G.O. (Ms) No. 138, Rural Development & Panchayat Raj Department dated 28.08.2008 upgraded all the 2,544 post of Extension Officer as Deputy Block Development Officer with effect from that date.

3. The Petitioner, who was then working as Extension Officer in the Rural Development and Panchayat Raj Department of the Government of Tamil Nadu had submitted an application on 04.07.2008 to be relieved from service on voluntary retirement, which was permitted by the First Respondent with effect from 07.08.2008 by an order in Na. Ka. No. 35923/08/Pothu 1-1 dated 04.08.2008. The Petitioner claims to have made a representation dated 09.07.2009 contending that inasmuch as the announcement of upgradation of the posts of Extension Officer in Rural Development and Panchayat Raj Department to that of Deputy Block Development Officer had been made on 16.04.2008, its benefit must be extended from that date so that the Petitioner, who was in service at that time, could avail it. However, the First Respondent in Letter No. 15476/Pa.A4/2009 dated 15.09.2009 rejected that claim, which is challenged by the Petitioner in this Writ Petition, and he has sought for consequential directions to grant the monetary benefits arising therefrom.

4. It is beyond cavil that any benefit granted by the State has to be either by way of legislation or through executive instructions which may also specify the date from which it would be given effect, and in the absence thereof, it could be only from the date on which the legislation comes into force, or the date on which the executive instruction is issued, as the case may be. This would obviously mean that if public announcement about such proposal had been made earlier, it cannot, by itself, create an enforceable right in favour of the beneficiaries and as a consequence thereof, it is not possible to reckon that date for the commencement of extending benefit. Further, when the Petitioner was aware that the upgradation was in the offing, he ought to have waited for it instead of proceeding to submit his application for voluntary retirement if he had wanted to derive its benefits. In any event, any upgradation of post is intended to be an incentive for better performance in the discharge of duties by the existing employees and is not to confer any bonanza for those contemplating to leave service without actually working for the same, like the Petitioner in this case. In that view of the matter, there are no merits in the claim made by the Petitioner in the Writ Petition.



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In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Maya/kv

To

1. The Commissioner of Rural Development
and Panchayat Raj
Saidapet, Chennai - 600 015.
2. The Principal Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St. George
Chennai-600 009.

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KSM(CO)
GMY(02/02/2022)