



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.03.2022

PRONOUNCED ON : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.NO.559 OF 2022

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. ... Appellants/Respondents
- .Vs.
- V.Ariyanayagam ... Respondent/Petitioner

PRAYER:-

Writ appeal is filed under clause 15 of the Letter Patent praying to set aside the order dated 21.09.2021 in W.P.No.20153 of 2021 and allow this writ appeal.

PRAYER IN W.P.NO.20153 OF 2021:-

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 date of retirement and consequently take into account, the said increments in the pensionary benefits and in the monthly pension



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of the petitioner and pay all monetary benefits and other attendant benefits as paid to other set of RWO Gr - II's.

For Appellant : Mr.V.Nanmaran
Additional Government Pleader

For Respondents : K.Raja

JUDGMENT

S.VAIDYANATHAN, J.
AND
MOHAMMED SHAFFIQ, J.

This intra Court appeal is filed by the State challenging the order of the learned single Judge insofar as the appellants were directed to extend the benefit under G.O.M.S.No.164, Rural Development (E4) Department dated 30.07.1997, though the respondent did not possess the requisite qualification and had not undergone the training at Rural Extension qualification.

2. The State has rejected the respondent's claim to the benefit of incentive increment in terms of G.O.Ms.No.164 primarily on the ground that the respondent had approached the appellant/state belatedly.

3. The short question that arises for consideration is whether the respondents who possessed the necessary qualification and directly appointed as Grama Sevak Grade-II in the year 1961 and who thus did not have to undergo 2 years integrated course of training at the Rural Extension Training Center is eligible to the monetary benefit which was extended by the Government of Tamil Nadu vide G.O.164, Rural Development (E4) Department dated 30.07.1992, to others who had to undergo the two years integrated course training at the Rural Extension Training Centers as they do not possess the necessary qualification.

4. Admittedly the respondent and similarly placed candidates who possessed the requisite qualification at the time of entering of services as Grama Sevak Grade-II was dispensed with from undergoing training whereas, the persons who did not possess the requisite qualification had to undergo training were extended the benefits of increments.

5. The learned single Judge found that persons who were qualified and thus dispensed with from undergoing training



cannot be at disadvantage vis-a-vis employees persons who did not possess the requisite qualification and were thus required to undergo training.

6. The learned single Judge thus directed that the respondents to extend the benefits which has been denied only on the premise that the respondents did not undergo training which admittedly was not required, in view of the fact that the respondents possessed the requisite qualification even at the time of entering into services.

7. We are in agreement with the above reasoning of the learned single Judge that denial of benefits to the respondent on the facts set out above appears to produce results i.e., inequitable and unfair.

8. Insofar as the other submission of the appellant that there has been belated claim to the said benefit by the respondents, thus, in view of laches the respondents should not be extended any benefit, it needs to be borne in mind that though laches/delay may by itself be a reason to deny benefit under service law. However, the said rule is not without exceptions and one of the exception is when the benefits claimed does not affect any 3rd party right. In the present case the incentive increment sought for by the respondent do not affect any 3rd party rights and thus denial of benefits on the ground of laches may not be justified. As we are in agreement otherwise with the reasoning of the learned single Judge, we see no reason to interfere and the writ appeal stands dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Secretary,
The 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.

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3. The District Collector,
Karur District.

+1cc to the Government Pleader, S.R.No.30982

W.A.NO.559 OF 2022

SR(CO)
PBS/26/05/2022