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W.P.No.9866 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.9866 of 2020

1.I.S.Arunachalam
2.C.Devarajan
3.N.Subramaniam
4.A.Marimuthu
5.K.Siddayan
6.K.M.Subramaniam

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Rural Development
and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai - 600 015.

3.The Principal Accountant General (A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

4.The District Collector,
Salem,
Salem District.



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5.The District Collector,
Namakkal,
Namakkal District.

6.The District Collector,
Erode,
Erode District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of G.O.(1 ¼) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020 issued by the first respondent and quash the same in so far relates to the petitioners and further direct the first respondent to grant two increment in the post which they were holding as on 30.07.1992 by counting two years Rural Welfare Officer Training period undergone by them at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore.

For Petitioner : Mr.T.Hemalatha

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1, R2, R4 to R6

Mr.V.Vijay Shankar
Standing Counsel
for R3



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ORDER

This Writ Petition has been filed challenging G.O.(14) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020 issued by the first respondent rejecting the petitioners' request, under which the petitioners' request for grant of two increments to the post they held as on 30.07.1992 by counting the two years Rural Welfare Officer Training period undergone with Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore was rejected on the ground that the petitioners have underwent their training at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore which is an unrecognized institute.

2. All the petitioners have retired from service and they have challenged the impugned G.O. raising the following grounds:

a) The impugned order passed by the first respondent is arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution of India. According to them, the respondents ought to have taken note of the fact that based on the training undergone by the petitioners at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore they were absorbed as Rural Welfare Officers and were also promoted subsequently;

b) The petitioners have also contended that Ramakrishna Vidyalaya



Agricultural Research Institute, Coimbatore was recognized by the Central Government at the time when they underwent the training;

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c) The benefits given in G.O.Ms.No.85 of the Rural Development and Panchayat Raj Department dated 11.09.2012 cannot be confined to the persons who have filed Writ Petitions viz., W.P.Nos.33981 and 39046 of 2005 in as much as the order dated 05.07.2011 in W.P.Nos.33981 and 39046 of 2005 is a Judgment in Rem and not Judgment in personam in as much as this Court has held that Rural Welfare Officers who have undergone training for a period of two years are entitled to count the training period for the purpose of increment and grant the said increment to the posts which they were holding as on 30.07.1992. According to the petitioners, applying the said principle the petitioners are also entitled to get the benefits.

3. The petitioners also claim that they were all aged seventy to eighty years and if the benefit of counting two years training period for the purpose of increment is given, they may get monetary benefits including additional pensionary benefits which will be useful to them in their old age.

4. A Counter Affidavit has been filed by the third respondent



reiterating the contents of the impugned G.O.(1 4) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020. According to them, only due to the fact that the petitioners did not undergo the two year training in a recognized institution, the increments have not been granted to them. According to them, only in accordance with G.O.No.164 of Rural Development (E4) Department dated 30.07.1992, the petitioners were rejected increments under the G.O.(1 4) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020.

5. Admittedly, the petitioners were absorbed by the respondents after giving due consideration to the two years training certificate produced by the respective petitioners from the very same Ramakrishna Vidyalaya Agricultural Research Institution, Coimbatore. They were also promoted subsequently, which is also not disputed by the respondents. G.O.Ms.No.164 of the Rural Development (E4) Department dated 30.07.1992 also does not stipulate that Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore is an unrecognized institute.

6. Having been absorbed into service and having been promoted, the



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question of rejecting the petitioners' request for increments and their monetary benefits as per G.O.No.164 of Rural Development (E4) Department dated 30.07.1992 will not arise. By total non application of mind to the fact that the petitioners were absorbed into service and were also promoted, the request for increments and monetary benefits as per G.O.No.164 of Rural Development (E4) Department dated 30.07.1992 has been erroneously rejected by the respondents under the impugned G.O.(1) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020. The only reason for rejection is that the petitioners underwent training at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore which is an unrecognized institute. As observed earlier, the reason given for rejection is erroneous and has been given by total non application of mind to the fact that the petitioners have been absorbed into service and have been promoted subsequently, only based on the said training.

7. For the foregoing reasons, this impugned G.O. has to be necessarily quashed in respect of this petitioners and the Writ Petition will have to be



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allowed. Accordingly the impugned G.O.(1 of) No.78, Rural Development and Panchayat Raj Department dated 28.02.2020 is hereby quashed and the

Writ Petition is allowed. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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(1/4)**