



WEB COPY



W.P.No.10001 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.10001 of 2020

G.Kandasamy

... Petitioner

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.

... 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 □) No.134, Rural Development and Panchayat Raj



W.P.No.10001 of 2019

Department dated 31.05.2019 issued by the first respondent and quash the same in so far relates to the petitioner and further direct the first respondent to grant two increment in the post which the petitioner was holding as on 30.07.1992 by counting two years Rural Welfare Officer Training period undergone by him at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore.

For Petitioner : Mr.V.Suthakar

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

Mr.V.Vijay Shankar
Standing Counsel
for R3

ORDER

This Writ Petition has been filed challenging G.O.(14) No.134, Rural Development and Panchayat Raj Department dated 31.05.2019 issued by the first respondent rejecting the petitioner's request, under which the petitioner's request for grant of two increments to the post he 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 petitioner has underwent his



training at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore which is an unrecognized institute.

2. The petitioner has retired from service and he has 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 him, the respondents ought to have taken note of the fact that based on the training undergone by the petitioner at Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore he was absorbed as Rural Welfare Officer and was also promoted subsequently;

b) The petitioner has also contended that Ramakrishna Vidyalaya Agricultural Research Institute, Coimbatore was recognized by the Central Government at the time when he underwent the training;

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



WEB COPY

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 petitioner, applying the said principle the petitioner is also entitled to get the benefits.

3. The petitioner also claims that he is aged around eighty years and if the benefit of counting two years training period for the purpose of increment is given, he may get monetary benefits including additional pensionary benefits which will be useful to him in his old age.

4. A Counter Affidavit has been filed by the third respondent reiterating the contents of the impugned G.O.(1 ¼) No.134, Rural Development and Panchayat Raj Department dated 31.05.2019. According to them, only due to the fact that the petitioner did not undergo the two year training in a recognized institution, the increments have not been granted to him. According to them, only in accordance with G.O.No.164 of Rural Development (E4) Department dated 30.07.1992, the petitioner was rejected



increments under the G.O.(1) No.134, Rural Development and Panchayat Raj Department dated 31.05.2019.

5. Admittedly, the petitioner was absorbed by the respondents after giving due consideration to the two years training certificate produced by the petitioner from the very same Ramakrishna Vidyalaya Agricultural Research Institution, Coimbatore. He was 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 question of rejecting the petitioner's request for increments and his 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 petitioner was absorbed into service and was 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



W.P.No.10001 of 2022

been erroneously rejected by the respondents under the impugned G.O.(1) No.134, Rural Development and Panchayat Raj Department dated 31.05.2019. The only reason for rejection is that the petitioner 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 petitioner has been absorbed into service and has 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 petitioner and the Writ Petition will have to be allowed. Accordingly the impugned G.O.(1) No.134, Rural Development and Panchayat Raj Department dated 31.05.2019 is hereby quashed and the Writ Petition is allowed. No Costs.

28.10.2022

Index : Yes/No
Speaking Order : Yes / No
ab



W.P.No.10001 of 2022

To

WEB COPY

- 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.



WEB COPY



W.P.No.10001 of 2020

ABDUL QUDDHOSE. J.,

ab

W.P.No.10001 of 2020

**28.10.2022
(4/4)**