



WP.No.1815/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WP.No.1815/2019

Mr.C.Palanisamy

... Petitioner

Vs

1.The Government of Tamil Nadu
rep.by its Secretary,
Rural Development and Panchayat Raj
Department, Fort St George
Chennai-9.

2.The Director of Rural Development Department
Panagal Building, Saidapet
Chennai 600015.

3.The District Collector
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to pay two increments for the training period in the post held by the petitioner as on 30.07.92 continuously upto the date of his retirement and consequently take into account the said increments in the pensionary



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benefits of the petitioner and pay all monetary benefits and other attendant benefits as paid to others through G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 in compliance of the order passed in WP.No.33981/2005 and 36904/2005 dated 05.07.2011.

For Petitioner : Mr.N.Kolandaivelu

For RR 1 to 3 : Mr.J.C.Durairaj
Additional Government Pleader

ORDER

(1) The prayer sought for herein is as follows:-

Writ petition filed for issuance of a writ of mandamus directing the respondents herein to pay two increments for the training period in the post held by the petitioner as on 30.07.92 continuously upto the date of his retirement and consequently take into account the said increments in the pensionary benefits of the petitioner and pay all monetary benefits and other attendant benefits as paid to others through G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 in compliance of the order passed in WP.No.33981/2005 and 36904/2005 dated 05.07.2011."

(2) The petitioner, after having undergone the training as Rural Welfare



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Officer for a period of two years from 1960 to 1962, he was appointed as Rural Welfare Officer Grade-II on 01.08.1962. Later, he was given further promotion as Rural Welfare Officer Grade-I, Extension Officer, Deputy Block Development Officer and Block Development Officer, then on superannuation as Block Development Officer, he retired from service on 31.05.1998 and had received pension till the filing of the writ petition.

- (3) It is in this context, the case projected by the petitioner was that during the period of training, the petitioner was entitled to get two increments as on 30.07.1992 and the same since was not paid, correspondingly his pay was not properly calculated with the result, he was not bale to get proper calculation of pension benefits.
- (4) In order to get the said benefits, the petitioner has given representation after his retirement only in the year 2017 and the said representation since was not considered, he has approached this Court by filing this writ petition.
- (5) Mr.J.C.Durairaj, learned Additional Government Pleader appearing



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for the respondents would submit that, though the petitioner retired from service in the year 1998, after 19 years he has filed the present writ petition. Therefore, on the ground of laches alone, this writ petition has to be dismissed. That apart, the learned Additional Government Pleader would submit that after having receipt of the pension already been calculated and paid to the petitioner after his retirement, now the petitioner cannot turn around and seek for any benefit which according to him, allegedly was not calculated and added in his salary by way of increment as on 30.07.1992. Therefore, such belated claim even on merits cannot be considered at this juncture. Therefore, the learned Additional Government Pleader wants this writ petition to be dismissed.

- (6) Though very belatedly this request has been made by the petitioner, the representation dated 22.12.2017 still seems to have not been disposed of. Therefore, a quietus can be given by directing the respondents to dispose of the said representation on merits and in accordance with law.



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(7) In that view of the matter, this Court is inclined to dispose of the writ petition with the following order that there shall be a direction to the respondents, especially, to the 2nd respondent to consider and pass orders on the representation of the petitioner dated 22.12.2017 on merits and in accordance with law and communicate the same to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

(8) With these directions, the writ petition is **disposed of**. No costs.

02.09.2022

AP

Internet : Yes

To

- 1.The Secretary,
Government of Tamil Nadu
Rural Development and Panchayat Raj
Department, Fort St George
Chennai-9.
- 2.The Director of Rural Development Department
Panagal Building, Saidapet
Chennai 600015.
- 3.The District Collector
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R.SURESH KUMAR, J.

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