



WEB COPY



W.P.No.562 of 2018

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.562 of 2018

- 1.C.K.Sundararajan
- 2.M.Vadivelu
- 3.N.Mohanam
- 4.M.Kuppan
- 5.P.Kumaresan
- 6.M.Rajapandian
- 7.M.Subramani
- 8.P.Swaminathan
- 9.R.Mohan
- 10.P.Asokan
- 11.P.Narayanasami
- 12.A.Amjathul Hassan
- 13.D.Jayaraman
- 14.K.Chinnan
- 15.G.Bikkari

...Petitioners

Vs

- 1.The Government of Tamil Nadu
Rep. by its 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.



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

4.The District Collector,
Salem.

5.The District Collector
Kancheepuram.

6.The District Collector
Vellore.

7.The District Collector
Thiruvallur

8.The District Collector,
Krishnagiri.

9.The District Collector,
Villupuram.

10.The District Collector,
Dharmapuri.

...Respondents

[R4 & R5 impleaded vide order dt. 04.09.2018
in W.M.P.Nos.24644 & 25934 of 2018 in
W.P.No.562 of 2018]

[R6 to R10 impleaded vide order dt. 11.04.2019
in W.M.P.Nos.29006, 35528, 30069 & 38941
of 2018 in W.P.No.562 of 2018]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to



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count two years Rural Welfare Officer training period undergone by the petitioners for increment and grant increment in the posts in which they were holding as on 30.07.1992 as per G.O.Ms.No.85 Rural Development and Panchayat (PA4) Department dated 11.09.2012 and consequently refix their pay and pension together with arrears of pay and pension.

For Petitioners : Mr.K.S.Viswanathan

For R1 & R2 : Mr.M.Shajahan
Special Government Pleader

For R3 : Mr.S.Balaji

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. All the petitioners herein are retired Assistant Director of Rural Development, Block Development Officers, Deputy Block Development Officers and Family Pensioners in the Rural Development Department. Since the respondents herein have not extended their respective increments for the said posts during the two years training period undergone by them, they have sought for issuance of writ of mandamus to direct the



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respondents to re-fix their pay and pension/family pension, together with
arrears of pay/pension

3. The entitlement of sanction of increments for the training period is a task to be undertaken by the respondents and this Court may not be justified in stepping into the shoes of the respondents for determining their entitlement.

4. At this juncture, the learned counsel for the petitioners submitted that the petitioners' entitlement has already been decided in favour of similarly placed retired employees in a writ petition before this Court in the case of ***K.Radhakrishnan and 105 others Vs. The Government of Tamil Nadu, Rural Development and Panchayat Raj Department and others passed in W.P.No.22121 of 2014*** and this Court had passed an order as follows:-

"4. It is submitted by the learned Counsel for the petitioners that the petitioners are all retired Government Servants of Rural Development Department and held the post of Divisional



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Development Officer, Block Development Officer, Deputy Block Development Officer, Extension Officer (since abolished) etc. The petitioners underwent two years training in the cadre of Rural Welfare Officer and therefore, they are entitled to get the benefit of G.O.Ms.No.85, Rural Development and Panchayat (PA4) Department dated 11.09.2012. Further as per G.O.Ms.No.535, Rural Development Department dated 10.07.1986, guidelines were issued and persons who have undergone Rural Welfare Training therein were permitted to count that period for the purpose of seniority and increment. Since the period of two years training in the cadre of Rural Welfare Officer undergone by the petitioners have not taken into consideration while calculating the pension, the Writ Petition is filed for the relief stated above.

5. It is further submitted in the affidavit filed in support of the petition that in W.P.No.10686/2008 dt.22.03.2010 (S.Natarajan vs. State of Tamilnadu rep. by its Secretary to Government, Rural Development (E4) Department, Secretariat, Chennai-600 009 and two others), this Court directed the Government to consider the training period of two



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years as Rural Welfare Officer as qualifying service for pension and other benefits and following the same, various Government Orders were passed. Thereafter in Writ Petitions in W.P.(MD) Nos.7907 and 7908/2013 orders were passed by the Madurai Bench of this Court on 04.06.2013 by directing the respondents to pay increments and other monetary benefits to the petitioner for the training period in the posts held by the petitioners therein in those Writ Petitions. Following the same several other writ petitions have been filed and disposed of in the above terms.

6. Learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that in similar circumstances, this Court has directed the authorities to consider the training period undergone by the petitioners as Rural Welfare Officer for increment and pension.

7. Considering the submissions made on either side and also following the various judgments rendered by this Court cited above, the present Writ Petition is disposed of with a direction to the



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respondents to refix the period spent by the petitioners in the Rural Welfare Officer Training as qualifying service for pension and pay arrears of pension and other benefits. It is made clear that the above said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this Order. No costs."

5. The aforesaid case may be applicable to the claim made by the petitioners. However, this Court is of the view that the task of considering the petitioners' request may be assigned to the concerned respondents.

6. In the light of the above observations, the petitioners herein are granted liberty to make a fresh representation to the second respondent herein ventilating their grievances, as expeditiously as possible and on receipt of the same, the second respondent herein shall consider such a representation, in the light of the findings of this Court in the case of *K.Radhakrishnan and others* (supra) made in W.P.No.22121 of 2014 and pass appropriate orders in accordance with law, within a period of 3 months from the date of receipt of the said representation.



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WEB COPY 7. The writ petition stands disposed of accordingly. No costs.

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Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

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To

- 1.The Secretary,
The Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Rural Development
and Panchayat Raj Department,
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M.S.RAMESH,J.

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