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W.P.No.12562 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.12562 of 2021

1. G. Gunasekaran
2. S. Ramachandran
3. G.Dhakshnamurthy
4. S. Kaliyaperumal
5. R. Chandracheakaran
6. K.Balaiya
7. K.Susila
8. S.Mahendran
9. N. Ayyasamy
10. R. Krishnamoorthy
11. P. Subramaniam
12. P. Sebastin
13. V.Mahalingam
14. S. Gnanamani
15. A.Salethmary

... Petitioners

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
and Panchayat Raj Department,



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Panagal Building, Saidapet,
Chennai 600 015.

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3. The District Collector,
Mayiladuthurai District,
Mayiladuthurai.
4. The District Collector
Thiruvarur District,
Thiruvarur.
5. The District Collector,
Nagapattinam District,
Nagapattinam.
6. The District Collector,
Trichy District,
Trichirappalli.
7. The District Collector,
Thanjavur District,
Thanjavur.
8. The District Collector,
Pudukottai District,
Pudukottai.
9. The District Collector,
Dindigul District,
Dindigul.
10. The District Collector
Sivagangai District,
Sivagangai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pay two increments for the training period, in the post held by them as on 30.07.1992 continuously upto the date of retirement of the petitioners consequently take into account the said increments in the pensionary benefits and in the monthly pension of the petitioners with all monetary and other attendant benefits as paid to others through G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 based upon the order passed by this Court in W.P.No.33981 of 2005 and 39046 of 2005 dated 05.07.2011.

For Petitioners : Mr.K.Sanjay

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the respondents to pay two increments for the training period, in the post held by them as on 30.07.1992 continuously upto the date of retirement of the petitioners consequently take into account the said increments in the pensionary benefits and in the monthly pension of the petitioners with all monetary and other attendant benefits as paid to others through



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G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 based upon the order passed by this Court in W.P.No.33981 of 2005 and 39046 of 2005 dated 05.07.2011.

2. The case of the petitioners are that they were appointed as Rural Welfare Officer Gr.II and thereafter they underwent training and completed successfully and further joined as a Rural Welfare Officer Gr.II and after that all of them got promotions also and retired from service in various posts. All the petitioners were retired after the cut of date fixed by the Government. More over they were also eligible to get increment from 31.07.1992 onwards. Even similar persons also got orders from this Court and that was also implemented. All the writ petitioners were initially selected as Rural Welfare Officer Grade through Employmnet Exchange and on the same day itself all the petitioners were sent for Training for a period of 2 years and after completion of training only all the petitioners were joined in the regular post as RWO Grade II. Later all the petitioners were given further promotion as RWO Grade I based on their seniority. Some of the petitioners were given further promotion as Extension Officer, Block Development Officer,



Assistant Director and Joint Director. All the petitioners had already attained superannuation.

2.1 It is further averred in the petition that in obedience of the aforesaid order of this Court the 1st respondent herein passed G.O.Ms.No.85 Rural Development and Panchayat Raj Department, dated 11.09.2012 in favour of the petitioners therein sanctioning the increments for the training period in the post held by them as on 30.07.1992 continuously upto the date of retirement and took the said increments for the purpose of pension also. By relying on the aforesaid Government Order all the petitioners herein preferred representation on various dates to the 1st respondent to extend the benefits of the aforesaid Government order and the same did not yield any fruitful results. On the other hand the respondents are insisting to get similar order from this Court. Unless direction is given to the respondents herein to pay 2 years increments for the training period, in the post held by them as on 30.07.1992 continuously upto the date of retirement of the petitioners and consequently take into account the said increments in the pensionary benefits and in the monthly pension of the petitioners with all monetary and other



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attendant benefits as paid to others through G.O.Ms.No.85 Rural Development & Panchayat Department dated 11.09.2012 in compliance of the order passed in W.P.No.33981 of 2005 and 39046 of 2005 dated 05.07.2011, the petitioners herein would be greatly prejudiced and put to heavy loss and irreparable hardship. The petitioners are all retired Government Servant. Their grievance are common and collective and their request is to treat training period as duty and pay the increment and benefits based on the Government orders. Based on that the petitioners are individually and collectively made representations dated 17.11.2020, 30.11.2020, 03.08.2020 respectively. The same is still pending before the Government till date and no orders passed in the said representations. Aggrieved over the same, the petitioners have come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioners representation dated 17.11.2020, 30.11.2020 and 03.08.2020 and pass



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appropriate orders on merits, within a particular time frame to be fixed by this Court. He further submitted that the eighth petitioner/S.Mahendran had died on 10.05.2021 and that his legal heirs may be permitted to send a representation to the first respondent.

4. The learned Special Government Pleader appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the representations of the petitioners 1 to 7 and 9 to 15 dated 17.11.2020, 30.11.2020 and 03.08.2020 and pass appropriate orders on merits in the light of G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 based upon the order dated 05.07.2011 of this



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Court in W.P.Nos.33981 of 2005 and 39046 of 2005 and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. As far as the 8th petitioner is concerned who is no more, hereagain without going into the merits of the case, this Court directs the legal heirs of the 8th petitioner to address a representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order, who in turn shall consider the said representation and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter, in the manner as directed in the preceding paragraph in respect of petitioners 1 to 7 and 9 to 15.

8. This Writ Petition is disposed of with the above observation and direction. No costs.

27.07.2023

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Speaking Order : Yes/No

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