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W.P.No.32791 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.32791 of 2016
and WMP No.28553 of 2016

S.A.Mani

... Petitioner

Vs.

1. Commissioner of Rural Development and
Panchayat Raj, Panagal Building,
Chennai – 15.

2. District Collector,
Kancheepuram District,
Kancheepuram.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the entire records of the 2nd respondent herein in his Na.Ka.No.12284/2016/PAA 1 dated 04.08.2016 and quash the same and consequently direct the respondents herein to re-fix the pay of the petitioner herein in the Selection Grade scale for the post of Rural Welfare Officer Grade – I w.e.f 01.05.1985 and pay the difference in pay, pension and other monetary benefits with due interest in accordance with law.



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For Petitioner : Mr.V.Rajasekaran

For Respondents : Mr.V.Nanmaran

Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the 2nd respondent, District Collector, Kancheepuram District in Na.Ka.No.12284/2016/PAA 1 dated 04.08.2016 and quash the same, seeking a further direction to the respondents herein to re-fix the pay of the petitioner herein in the Selection Grade scale for the post of Rural Welfare Officer Grade – I, with effect from 01.05.1985 and pay the difference in pay, pension and other monetary benefits with due interest in accordance with law.

2. The petitioner had joined the Government service as Village Level Worker on 01.05.1965 in the Agriculture Department. Subsequently, consequent to the decision taken by the Government, he was absorbed in the Rural Development Department as Gramasevak Grade II on 01.12.1972, which post was re-designated as Rural Welfare Officer, Grade II (in short 'R.W.O. Grade II').

3. Consequent upon the judgment of this Court dated 19.04.2005 made in W.P.Nos.19960 to 19962 of 1998 etc. directing revision of seniority of the



Village Level Workers absorbed as Gramasevak Grade II in the Rural Development Department by counting the services rendered by them in the Agricultural Department, the petitioner was given selection grade with effect from 01.10.1978 and again on 01.10.1988 in the post of R.W.O. Grade II and Grade I respectively.

4. The grievance of the petitioner is that he was stagnated in the same post as RWO Grade II which was earlier called as Gramasevak Grade II in the Rural Development Department and it is contended that he ought to have been granted selection grade, since he had put in 20 years of service in the higher post and the monetary benefits which would have accrued to him, were also to be extended to him.

5. In the counter affidavit, it had been stated that subsequent to the retirement of the petitioner herein, notional promotion was granted to address the grievance of the petitioner. It was contended that after completion of 1 year, 4 months and 13 days in Selection Grade of Grade II services from 01.10.1978, even though according to the petitioner he was stagnated in the same post, he was notionally promoted as Assistant, equivalent to Rural Welfare Officer Grade I. This would indicate that he had moved from Grade II to Grade I.



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6. Learned counsel for the petitioner, however, placed reliance on G.O.Ms.No.210, Personnel and Administrative Reforms (Per-5) Department dated 11.03.1987. The said Government Order was passed on the basis of a recommendation of a One Man Committee consequent to the recommendation of the 4th Tamil Nadu Pay Commission. The relevant portion of the said Government order reads as follows:

'2. The Government after careful examination accept the recommendation of the One man Committee and direct that the service in the Selection Grade of the lower post shall be counted for the Selection Grade in the promoted post provided that the Selection Grade scale of the lower post is identical to the ordinary grade of the higher post, and that the concession be allowed only at the first promotion level. Government also direct that in the case of posts with different grades one who has put in 10 years or more of service in the lower post (eg. Grade II) shall be advanced to the next higher post (i.e. Grade I) under the scheme of Flexible Complementing and one with a service of 20 years or more be advanced to Selection Grade of the higher post (i.e. Grade I) wherever it has already been provided.'

7. Learned counsel for the petitioner had interpreted this very Government Order by stating that the Government had accepted the recommendation that the services in the selection grade of the lower post shall be counted for selection grade in the promoted post, provided the selection grade in the lower post is identical to the ordinary grade of the higher post.

8. In the instant case, the petitioner had actually been promoted, though



notionally after retirement. That promotion was given effect to after completion of 1 year 4 months and 13 days in the post of Selection Grade R.W.O. Grade II. This grant of notional promotion would address the issue raised by the petitioner.

9. It is contended on behalf of the respondents that the petitioner was notionally promoted in the cadre of Assistant on 03.10.1983, in the cadre of Extension Officer on 30.01.1992, Deputy Block Development Officer on 01.05.1998 and Block Development Officer on 11.08.1999. It was also stated that the petitioner was further promoted notionally as Assistant Director, Rural Development on par with his junior. The pay was also fixed notionally and calculated for the pension.

10. Therefore, the issues raised by the petitioner that he was stagnated during the periods 1985 – 1987 had been effectively addressed by grant of notional promotion, though after the date of his retirement and to the extent possible, granted with necessary monetary benefits in recognition of the services rendered by him. The petitioner should be satisfied with that notional promotion upto the rank of Assistant Director, Rural Development.

C.V.KARTHIKEYAN,J.



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11. In light of the aforesaid narration, the relief sought for by the petitioner cannot be granted and this Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

17.08.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No
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To

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