



W.P.No.189 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.189 of 2020

E.Ramalingam

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Petitioner

/vs/

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.

2. The Director of Rural Development Department,
Panagal Building, Saidapet,
Chennai – 600 015.

3. The District Collector,
Villupuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for Calling for GO(D) No.320 Rural Development and Panchayat Raj (Pa.A-4) Department dated 19.07.2018 passed by the 1st respondent and consequential impugned order passed by the 3rd respondent in his proceeding Na.Ka.No.PA3/8577/2013 dated 10.7.2019



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and quash the same in so far as the petitioner is concerned and consequently direct the Respondents herein to pay two increments for the training period in the post held by the petitioner as on 30.7.1992 continuously up to his date of 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 11.9.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 in compliance of the order passed in W.P.Nos.33981/2005 and 39046/2005 dated 05.07.2011.

For Petitioner	...	Mr.K.Raja
For Respondents	...	Mr. G.Nanmaran Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus Calling for GO(D) No.320 Rural Development and Panchayat Raj (Pa.A-4) Department dated 19.07.2018 passed by the 1st respondent and consequential impugned order passed by the 3rd respondent in his proceeding



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Na.Ka.No.PA3/8577/2013 dated 10.7.2019 and quash the same in so far as the petitioner is concerned and consequently to direct the Respondents herein to pay two increments for the training period in the post held by the petitioner as on 30.7.1992 continuously up to his date of retirement and consequently take into account the said increments for the pensionary benefits of the petitioner and to 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 11.9.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 in compliance of the order passed in W.P.Nos.33981/2005 and 39046/2005 dated 05.07.2011.

2. The petitioner was appointed as a Rural Welfare Officer Grade-II on 02.09.1968 and thereafter he was promoted as a Rural Welfare Officer Grade-I on 24.06.1998. After getting various promotion he finally attained superannuation and retired on 30.06.2004 as Block Development Officer. The petitioner had undergone training from 01.11.1965 to 31.10.1967 and subsequently joined as Rural Welfare Officer Grade-II on 02.09.1968. A Government Order has been passed on 30.07.1992 in G.O.No.164 RDD by



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according increment to the petitioner during the period spent by him on training (i.e. from 01.11.1965 to 31.10.1967). However, an another Government Order in G.O.No.367 RDD dated 30.12.1997 has been passed by clarifying the calculation of the increment of the training period notionally and if at all any monetary benefits comes as on 30.07.1992, the same should be given to them. Since it was detrimental to the interest of some of the Officers, they have filed various petitions and in the Writ Petition in W.P.Nos.33981/2005 and 39046/2005 the following direction has been given:

*“ 10. In view of the aforesaid reasons, this Court is inclined to direct the respondents herein to pay the increments and other monetary benefits to the petitioners for the training period in the post held by them as on 30.07.1992 continuously up to the date of retirement of the petitioners and consequently, take into account the said increments * and other monetary benefits in the pensionary benefits and in the monthly pension of the petitioners. It is made clear that the above said process shall be completed within a period of eight weeks from the date of a copy of this order.”*

3. Due to impact of the direction so given, an another Government Order in G.O.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.No.62 Rural Rural Development and Panchayat Raj Department dated 27.06.2013 has been passed which was stipulated to



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sanction the increment for the training period in the post held by them as on 30.07.1992 continuously up to the date of retirement and also to take benefit for the purpose of calculating the pension as well. Since several other officials also filed various Writ Petitions to get the benefit of the above order, the Government has taken pro-active measure to extend the benefit to all those eligible persons even if they have not filed any writ petition. Subsequently, the Government was changed and the employees once again needed to approach the Court by way of filing Writ Petition for getting similar directions. In that style the petitioner was also forced to file a Writ Petition in W.P.No.1129 of 2016 and in which the following direction has been given:

“ 6. In view of the above, without going into the merits of the case, the petitioners are permitted to submit a copy of the representation dated 28.12.2015 along with the copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, the same shall be considered and disposed of by the respondents on merits and in accordance with law and also in the light of 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, within a period of ten weeks thereafter. The writ petition is disposed of accordingly. No costs.”



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According to the above direction, the representation of the petitioner was considered. However the increment was sanctioned to the petitioner as on 1965-1967, during the period which the petitioner had undergone training i.e. from 01.11.1965 to 31.10.1967. Aggrieved over which the petitioner had filed this Writ Petition.

4. The learned counsel of the petitioner submitted his arguments in the line of the averments stated in the petition filed by the petitioner.

5. The learned Special Government Pleader for the respondents submitted that since the representation of the petitioner has been considered and he has been given with the benefit of two increments for two years of training he had undergone from 01.11.1965 to 31.10.1967, the petitioner is not entitled to any further increment and hence this petition should be dismissed.

6. The petitioner did not deny the fact that two increments have been sanctioned to him. However, his grievance is that instead of according the above benefit in respect of the post held by him on 30.07.1992 he was given



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with the benefit only in respect of the post held by him during 1965 to 1967.

In fact in the earlier directions given in the Writ Petitions in W.P. Nos.33981 of 2005 and 39046 of 2005 dated 05.07.2011, it has been categorically made clear that increments should be sanctioned in respect of the post held by the employees as on 30.07.1992. The respondent's action of sanctioning the increment to the petitioner in respect of the post held by the petitioner from the year 1965 to 1967 is not correct.

7. Since the petitioner is entitled to increments in respect of his post held on 30.07.1992, the Government ought to have considered his representation taking into account of various Government Orders and the direction of this Court given in its order dated 05.07.2011 in W.P.Nos.33981 of 2005 and 39046 of 2005. Hence, I am inclined to allow the Writ Petition by directing the respondents to sanction the increment to the petitioner in accordance with the earlier direction given by this Court in respect of post held by the petitioner as on 30.07.1992 and pay the arrears to the petitioner within a stipulated time.



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8. Accordingly this Writ Petition is disposed with a direction to the respondents to sanction the increment to the petitioner in accordance with the earlier direction given by this Court in respect of post held by the petitioner as on 30.07.1992 and pay the arrears to the petitioner within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that the impugned order should be construed in a manner that the increments sanctioned to the petitioner should be in respect of the post held by the petitioner on 30.07.1992 and not as the post held by him from 01.11.1965 to 31.10.1967. No costs.

05.10.2023

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To:

WEB COPY

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
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2. The Director of Rural Development Department,
Panagal Building, Saidapet,
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3. The District Collector,
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R.N.MANJULA ,J.

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