



WEB COPY



W.P.No.35838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.35838 of 2023

C. Dhistapathy

... Petitioner

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.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to count two years Rural Welfare Officer training period undergone by the petitioner for increment and grant increment in the posts in which he was 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 his pay and pension together with arrears of pay and pension.



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For Petitioner : Ms.T. Hemalatha
For R1 & R2 : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader appearing for the first and second respondents.

2. In view of the order to passed in this Writ Petition, no prejudice would be caused to the third respondent herein. Hence, notice to the said respondent is hereby dispensed with.

3. The prayer sought for in the present Writ Petition is for a direction to the respondents to count two years Rural Welfare Officer training period undergone by the petitioner for increment and grant increment in the post which he was 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 re-fix his pay and pension together with arrears of pay and pension.



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4. This Court is of the view that such a claim requires to be considered by the concerned respondent and this Court may not be justified in stepping into the shoes of the respondent to consider the same. Nevertheless, if the petitioner is granted liberty to give a representation to the respondents herein, seeking to count his two years Rural Welfare Officer training period for increment, with a consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.

5. In the light of the above observations, the petitioner is granted liberty to give a representation to the respondents, ventilating his grievances and on receipt of the same, the respondents shall consider it on their own merits and pass appropriate orders in accordance with law, within a period of eight (6) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider the same on its own merits.

M.S.RAMESH,J.

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6. With the above direction, this Writ Petition stands disposed of.

No costs.

22.12.2023

Speaking/Non-speaking
Index:Yes/No

Sni

To

- 1.The Secretary to 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,
Panagal Building,
Saidapet, Chennai – 600 015.
- 3.The Principal Accountant General (A&E) Tamil Nadu,
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