



W.P.(MD) No.8815 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.8815 of 2016

1.Madurai District Village Development/Local
Body Administration Employee's Union,
Rep., by Pon Krishnan,
General Secretary,
27-F, Sarvodaya Main Road,
Magaboob Palayam, Madurai – 625 016.

2.Madurai District Village Development/Local
Body Administration Employee's Union,
Rep., by K.Thangavel Pandian,
President,
27-F, Sarvodaya Main Road,
Magaboob Palayam, Madurai-625 016.

.. Petitioners

Vs.

1.State of Tamil Nadu,
Rep., by its Secretary,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St. George, Chennai-600 009.

2.State of Tamil Nadu,
Rep., by its Secretary,
Labour & Employment Department,
Secretariat, Fort St. George, Chennai-600 009.



W.P.(MD) No.8815 of 2016

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3.The Director,
Rural Development and Panchayat Raj,
Government of Tamil Nadu,
Panagal Maligai, Chennai-600 032.

4.The District Collector,
Madurai District,
Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to create a new account No.7 and to disburse the monthly salary to employees already listed in the official website of the 2nd respondent, as contemplated in G.O.(Ms) No.89, dated 15.06.2015, and to include 142 Village Panchayat Employees whose names were not included in the official website, and to disburse the monthly salary as per the said G.O. within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for Mr.S.Rajasekar

For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

In this writ petition, the petitioner is seeking direction to the respondents to comply the procedure provided under G.O.(Ms) No.89,



W.P.(MD) No.8815 of 2016

dated 15.06.2015 to create a new Account No.7 and to disburse the monthly salaries to the members of the petitioner-Association.

2. In fact, in the counter affidavit filed by the respondents, at Paragraph Nos.3 and 4, the respondents stated that they are strictly following G.O.(Ms) No.89, dated 15.06.2015. The relevant portion of the counter affidavit is extracted hereinunder:

“3. Hence with a view to check this malady in the work charges village panchayat establishment, the Government of Tamil Nadu strictly mandated that there shall not be any irregular appointment after 10.05.2000 and also issued G.O.Ms.No.89 Rural Development and Panchayat Raj (PR-1) Department dated 15.06.2015 wherein the Government was pleased to order creation of new account in each Village Panchayat as “Account No.7 – Village Panchayat Staff Account” in addition to the existing six accounts and authorized the District Administration to directly apportion the required amount for payment of salary to the employees from the State Finance Commission Grant, thus making it mandatory for the Executive authority of the Village



Panchayat to disburse the salary in time and avoid diversion of funds for other purposes and further mandated that the said account shall be used only for the payment of salary of Panchayat Employees and the payment should be through ECS directly from this account to the individual accounts of the employees.

4. It is respectfully submitted that a further clarification was issued by the Director (FAC), Directorate of Rural Development and Panchayat Raj in Roc. No.74340/2013 E4 dated 21.08.2015 to the effect that the above said scheme is applicable to only those employees who were recruited before 10.05.2000.”

3. On plain reading of the said averments, it appears that the State Government issued directions for creation of new account in each Village Panchayat as “Account No.7 – Village Panchayat Staff Account” in addition to the existing six accounts and authorised the District Administration to directly apportion the required amount for payment of salary to the employees of the State Finance Commission Grant. Mandatory instructions were issued to the Executive Authorities of the



W.P.(MD) No.8815 of 2016

Village Panchayats to disburse salary in time and avoid diversion of funds for other purposes. It was also mandated that the said amount shall be used only for the payment of salary of Panchayat Employees and the payment should be made through ECS directly to the individual accounts of the employee. It also appears that as per the clarification of the Director (FAC), Directorate of Rural Development and Panchayat Raj, in Roc No.74340/2013 E4, dated 21.08.2015, the scheme is applicable only to those employees who were recruited before 10.05.2000.

4. During the course of hearing, learned counsel for the petitioner placed a letter in Na.Ka.No.20507/2017/E2, dated 30.08.2017, issued by the Director, Rural Development and Panchayat Raj Department addressed to all District Collectors except Chennai instructing to upload the details exclusively for the Panchayat Secretary, Sweepers, who are currently working. With regard to Over Head Reservoir Tank Operators, it is instructed to rectify the details of operators recruited prior to 10.05.2000 that have already been uploaded. It is also instructed in the said letter to upload fresh details for those operators who have been hired



W.P.(MD) No.8815 of 2016

after 10.05.2000 and are receiving wages through registration in the wage register.

5. On consideration of the letter dated 30.08.2017 of the 3rd respondent, it is clear that the respondents are extending the benefit of G.O.(Ms) No.89, dated 15.06.2017 to the Over Head Reservoir Tank Operators who were hired after 10.05.2000 and who are receiving wages through the registration in the wage register.

6. In view of the fact that the respondents are strictly implementing G.O.(Ms) No.89, dated 15.06.2017, as stated in their affidavit, in my considered opinion, no orders are required on that aspect.

7. However, in view of the facts and circumstances of the case, in my considered view, it is appropriate to dispose of this writ petition with a direction to the respondents to disburse the monthly salary to the employees, i.e., members of the petitioner-Association who are already included in the official website of the 2nd respondent as per G.O.(Ms) No.



W.P.(MD) No.8815 of 2016

89, dated 15.06.2017 and also those employees particulars are uploaded in the light of the letter of the 3rd respondent in Na.Ka.No. 20570/2017/E2, dated 30.08.2017 to meet the interest of justice.

8. Accordingly, this writ petition is disposed of directing the respondents to disburse the monthly salary to the employees, i.e., to the members of the petitioner-Association whose names are uploaded in the official website of the 2nd respondent till now by strictly following the provisions of G.O.(Ms) No.89, dated 15.06.2017. It is further directed that if particulars of any employee is not uploaded till now, it shall be uploaded in the light of the letter of the 3rd respondent dated 30.08.2017 within a period of four weeks from today.

9. No costs.

01.09.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.8815 of 2016

BATTU DEVANAND, J.

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To

1.The Secretary to Government,
State of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The Secretary to Government,
State of Tamil Nadu,
Labour & Employment Department,
Secretariat, Fort St. George, Chennai-600 009.

W.P.(MD) No.8815 of 2016

3.The Director,
Rural Development and Panchayat Raj,
Government of Tamil Nadu,
Panagal Maligai, Chennai-600 032.

4.The District Collector,
Madurai District,
Madurai.

Dated : 01.09.2023