



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.796 of 2020

K.Kittu,
S/o.Karuppu,
Record Clerk (Retd.),
No.53/99A, Gandhi Street,
Pazhathottam,
Sirumugai Post, Mettupalayam Taluk,
Coimbatore District - 641 302. ...

Petitioner

versus

1.The District Collector,
Coimbatore,
Coimbatore District - 641 018.

2.The Assistant Director of Town Panchayats (i/c),
Coimbatore Zone,
Collectorate,
Coimbatore - 641 018. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records connected in O.Mu.No.2394/2018/Town Panchayat-2, dated 07.01.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to fix the pay of the petitioner in the post of Record Assistant on notional basis for the purpose of pension and grant pension in the post of Record Assistant.



WEB COPY

For Petitioner : Mr.A.R.Suresh
for Mr.K.Arumugam
For Respondents : Mr.R.Neethi Perumal
Government Advocate

ORDER

The petitioner has filed this petition seeking to quash the order of the 2nd respondent dated 07.01.2019 and consequently direct the respondents to fix the pay of the petitioner in the post of Record Assistant on notional basis and grant pension to him.

2. Heard Mr.A.R.Suresh, learned counsel for the petitioner, Mr.R.Neethi Perumal, learned Government Advocate for the respondents and perused the materials available on record.

3. Mr.A.R.Suresh, learned counsel for the petitioner submitted that the petitioner is working as a Record Clerk in Sirumugai Panchayat, Coimbatore. As per G.O.(Ms).No.131, Personnel & Administrative Reforms (Personnel-C) Department, dated 03.06.1994, 1000 posts of Record Clerks among the various Department of the Government have been upgraded to Record Assistants in the scale of pay of Rs.975-25-1150-30-1660. It is also



mentioned that the allocation of upgraded posts of Record Assistants among the various Department of the Government be made in the ratio of 8:1 and the proportion be maintained for every 9 posts of Record Clerks and the actual allocation shall depend upon the cadre strength in a unit of appointment.

4. Mr.A.R.Suresh, learned counsel for the petitioner further submitted that the petitioner stands second in the seniority list. Since 1000 posts of Record Clerks have been upgraded and the allocation is also permitted for every 9 posts, the person who stood in the second place would definitely have a bright opportunity to get the upgradation. But the representation given by the petitioner has been dismissed by stating that no such Record Assistants posts had been created in the said division.

5. The very object of passing the G.O.(Ms).No.131, Personnel & Administrative Reforms (Personnel-C) Department, dated 03.06.1994 itself is to implement the same for the benefit of atleast 1000 Record Assistants. The default on the part of the 2nd respondent cannot be taken advantage to reject the representation of the petitioner. Had the Government Order been



implemented in time, the petitioner would have got the benefit of upgradation to the post of Record Assistant even before his retirement. The petitioner got retired on 30.06.1995. Since the Government Order has been issued before his retirement, the petitioner is very much entitled to get the benefit of the above said Government Order.

Hence this Writ Petition is **allowed** and the impugned order passed by the 2nd respondent dated 07.01.2019 is quashed. The respondents are directed to upgrade the post of the petitioner from Record Clerk to Record Assistant as per G.O.(Ms).No.131, Personnel & Administrative Reforms (Personnel-C) Department, dated 03.06.1994 and refix the arrears of pension from the date of his promotion as Record Assistant and pay the same to him, within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

09.01.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The District Collector,
Coimbatore,
Coimbatore District - 641 018.

- 2.The Assistant Director of Town Panchayats (i/c),
Coimbatore Zone, Collectorate,
Coimbatore - 641 018.



WEB COPY

W.P.No.796 of 2020



R.N.MANJULA, J.

sri

W.P.No.796 of 2020

09.01.2024