



WEB COPY



W.P.Nos.23689 & 23690 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.23689 & 23690 of 2015

W.P.No.23689 of 2015:

1.V.Muthusamy

...Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2.The Director of Rural Development and Panchayat Raj,
Chennai – 600 015.

3.The District Collector,
Salem District, Salem.

4.The Panchayat Union Commissioner,
Ayothiyapattinam, Salem District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to call for the records of the 4th respondent relating to orders in



W.P.Nos.23689 & 23690 of 2015

(1) Pro.Na.Ka.No.4432/02/A1 dated 26.09.2003 and (2) Pro.Na.Ka.No.4432/02/A1 dated 06.11.2003, to quash the same and to issue consequential direction to refund to the petitioner the amount recovered from the petitioner with compound interest at 12% per annum and restore the Selection Grade and Special Grade scale of pay of the petitioner w.e.f 28.03.1990 and 28.03.2000 and to revise his pensionary benefits on that basis.

W.P.No.23690 of 2015:

1.M.Mohan

...Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2.The Director of Rural Development and Panchayat Raj,
Chennai – 600 015.

3.The District Collector,
Salem District, Salem.

4.The Panchayat Union Commissioner,
Ayothiyapattinam, Salem District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



W.P.Nos.23689 & 23690 of 2015

India to call for the records relating to orders in Pro.Na.Ka.No.62338/2003/Thi.3 dated 03.10.2003 of the 3rd respondent, to quash the same and to issue consequential direction to refund to the petitioner the amount recovered from the petitioner with compound interest at 12% per annum and restore the Selection Grade and Special Grade scale of pay of the petitioner w.e.f 18.05.1991 and 30.05.2001 and to revise his pensionary benefits on that basis.

For Petitioner : Mr. M.Ravi
(In both WPs)

For Respondents : Mr. V.Jeevagiridharan,
1 to 3 Additional Government Pleader
(In both WPs)

For Respondent : No Appearance.
(In both WPs)

ORDER

W.P.No.23689 of 2015 is filed to call for the records of the 4th respondent relating to orders in (1) Pro.Na.Ka.No.4432/02/A1 dated 26.09.2003 and (2) Pro.Na.Ka.No.4432/02/A1 dated 06.11.2003, to quash the same and to issue consequential direction to refund to the



petitioner the amount recovered from the petitioner with compound interest at 12% per annum and restore the Selection Grade and Special Grade scale of pay of the petitioner w.e.f 28.03.1990 and 28.03.2000 and to revise his pensionary benefits on that basis.

2. W.P.No. 23690 of 2015 is filed to to call for the records relating to orders in Pro.Na.Ka.No.62338/2003/Thi.3 dated 03.10.2003 of the 3rd respondent, to quash the same and to issue consequential direction to refund to the petitioner the amount recovered from the petitioner with compound interest at 12% per annum and restore the Selection Grade and Special Grade scale of pay of the petitioner w.e.f 18.05.1991 and 30.05.2001 and to revise his pensionary benefits on that basis.

3. The petitioners in W.P.No.23689 of 2015 and W.P.No.23690 of 2015 were appointed as an Electricians in the Tamil Nadu Water and Drainage Board on 28.03.1980 and 18.05.1981, respectively.



Thereafter, the Government by G.O.Ms.No.1837, Rural Development and Local Administration Department dated 29.11.1982 ordered entrustment of Rural Water Supply Maintenance of hand pumps and power pumps from TWAD board to the respective Panchayat unions. Therefore, the petitioners were transferred to the respective Panchayat unions. The petitioners have been relieved from the TWAD board with effect from the afternoon of 31.12.1982. The petitioners were allotted to the Divisional Development Officer, Salem where they joined the duty on 01.01.1983.

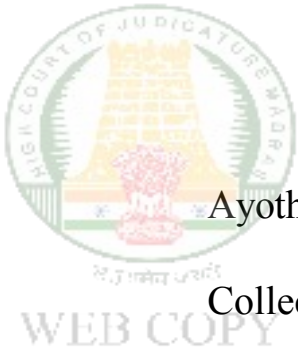
4. The petitioner in W.P.No.23689 of 2015, namely, Muthusamy, was granted Selection Grade and Special Grade in the post of Electrician with effect from 28.03.1990 by taking into account the period of service in TWAD board from 28.03.1980 till 31.12.1982 along with the service in the Panchayat Union Wing of the rural development department and he had been drawing Selection Grade and Special grade scale of pay from 28.03.1990.



WEB COPY

5. In the case of Mohan, the petitioner in W.P.No.23690 of 2015 the Selection Grade and the Special Grade in the post of Electrician was granted on 18.05.1991 taking into account his service from 18.05.1988 to 31.12.1982 along with his service in the Panchayat Union Wing of Rural Development Department and he has also been drawing Selection Grade and Special Grade of Pay from 18.05.1981.

6. It appears that thereafter an audit objections have been raised on 12.11.2002, where the date of Selection Grade and Special Grade taking effect was revised as 01.01.1993 instead of 28.03.1990, which is the date of absorption in the Panchayat Union Wing, in the case of Muthusamy. In the case of Mohan, the petitioner in W.P.No.23690 of 2015, the date of Selection Grade and Special Grade taking effect was revised as 01.01.1993 instead of 18.05.1991. The petitioners' Selection Grades had been revised and the pay refixed in the case of Muthusamy by order of the Panchayat Union Commissioner,



W.P.Nos.23689 & 23690 of 2013

Ayothiappattinam on 26.09.2003 and Mohan by order of the District Collector, Salem dated 03.10.2003.

7. Muthusamy was superannuated on 30.04.2012, whereas the said Mohan was superannuated on 30.06.2013. It is the grievance of the petitioners that the recovery has been ordered without any prior notice on the petitioners.

8. Though the respondents have not filed their counter, the learned Additional Government Pleader would submit that the Writ Petitions have been filed with a great deal of delay. The orders impugned are of the year 2003 and the petitioners have not chosen to challenge the order to date.

9. Heard the learned counsels on the either side and perused the records.



WEB COPY



W.P.Nos.23689 & 23690 of 2013

10. Admittedly, the impugned orders have been passed way back in the year 2003. The petitioners have remained in service till the year 2012 and 2013, respectively and have not chosen to question the same. Now after a period of over 12 years, the petitioners have moved this Court. The petitioners who have not chosen to question the said order all these years cannot now seek to have the clock set back. Further, there is no explanation for this inordinate delay in questioning the impugned orders.

11. Therefore, the writ petitions are dismissed on the ground of laches. No costs.

06.06.2024

Index : Yes/No
Internet : Yes/No
kan



WEB COPY



W.P.Nos.23689 & 23690 of 2015

To

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2. The Director of Rural Development and Panchayat Raj,
Chennai – 600 015.

3. The District Collector,
Salem District, Salem.

4. The Panchayat Union Commissioner,
Ayothiyapattinam, Salem District.

9/11



WEB COPY



W.P.Nos.23689 & 23690 of 2015

P.T. ASHA, J,

kan

W.P.Nos. 23689 & 23690 of 2015



WEB COPY



W.P.Nos.23689 & 23690 of 2013

06.06.2024