



WEB COPY

W.P.No.16210 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.16210 of 2021 and
W.M.P.Nos.17147 & 17148 of 2021

G.Ramamurthy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Thiruvarur District.
- 3.The Special Officer/ Block Development Officer,
Mazhiyancheri Panchayat,
Nannilam Taluk, Thiruvarur District.
- 4.The Panchayat President,
Magizancheri Village,
Nannilam Taluk,
Thiruvarur District 610 101.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 25.06.2021 passed by the second respondent vide Na.Ka.No.5999/2019/A59 (Development), quash the same and consequently, direct the petitioner herein to appoint the petitioner as Village Panchayat Secretary of the Magizancheri Village, Nannilam Taluk, Thiruvarur District.



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For Petitioner : Mr.R.Abdul Mubeen
For Respondents : Mr.R.U.Dinesh Rajkumar,
AGP for R1 & R2
Mr.M.Murali, GA for
Mr.L.S.M.Hasan Faizal for R3 & R4

ORDER

This Writ Petition has been filed for quashment of the impugned order dated 25.06.2021 passed by the second respondent vide Na.Ka.No.5999/2019/A59 (Development) and consequently, direct the respondents to appoint the petitioner as Village Panchayat Secretary of the Magizancheri Village, Nannilam Taluk, Thiruvarur District.

2. Heard the learned counsel on either side and also perused the materials available on record.

3.The petitioner was working in Central Armed Police Force Services (CAPFs) Personnel and he had voluntarily retired from service in the year 2011. The third respondent had issued a notification dated 09.11.2019 vide Na.Ka.No.Aa5/2185/2019 calling for direct recruitment to the post of Village Panchayat Secretary for three Villages. The petitioner had applied for the same. The Selection Committee constituted by the fourth respondent had



called for interview and the petitioner had attended the interview. Thereafter, the second respondent by its impugned order dated 25.06.2021, vide Na.Ka.No.5999/2019/A59 (Development), had rejected the appointment of the petitioner on the ground that CAPF personnel are not considered as Ex-service man in pursuance to the letter dated 08.06.2021 vide Na.Ka.No.1062 of 2021-A4 issued by the Superintendent / Assistant Director of Welfare of Ex-serviceman. Against which, the petitioner gave a representation dated 01.03.2021 to the second respondent and also sent notice through his Advocate to the respondents 2 to 4. The Joint Secretary (P-II), Ministry of Home Affairs, Government of India by its letter dated 07.02.2020 had requested the State Governments to consider and extend the benefits to Ex-CAPFs personnel on the lines of benefits extended to the Ex-serviceman of Defence Forces. However, the respondents have not considered the representation of the petitioner till date and hence, the petitioner has filed the present petition.

4. The learned counsel for the petitioner submitted that the petitioner is eligible for the post of Village Panchayat Secretary under ex-serviceman category, but his case has been rejected by the second respondent on the ground that CAPF personnel are not considered as Ex-service man in



pursuance to the letter dated 08.06.2021 vide Na.Ka.No.1062 of 2021-A4 issued by the Superintendent / Assistant Director of Welfare of Ex-serviceman. He relied on the Government Order dated 26.11.2021 in which it has been stated that retired personnel of CAPFs as Ex-CAPFs personnel and further stated that based on such designation, the State/UT Government may extend suitable benefits to them on the lines of the benefits extended to the Ex-serviceman of Defence Forces. He also relied on the Government Order dated 07.02.2020 issued by the Ministry of Home Affairs, Government of India and the Government Order dated 07.02.2020 in D.O.No.27011/100/2019/R&W, issued by the Ministry of Home affairs, Government of India, is extracted hereunder:

“Ministry of Home Affairs vide OM No.27011/100/2012-R&W dated 23.11.2012 had designated retired Central Armed Police Force (CAPF i.e., CRPF.BSF.CISF, ITBP & SSB) personnel as 'Ex-CAPF personnel'. Union Home Secretary in his DO letter dated 19.02.2013, 29.06.2013 and 24.03.2014 (Copies enclosed) had requested for extension of suitable benefits to Ex-CAPFs personnel on the lines of benefits extended to the Ex-Servicemen.

2. The Status of 'Ex-CAPF' will provide the retired CAPFs personnel better identity, community recognition and higher esteem and pride in the Society. Consequent upon such



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designation of Ex-CAPF personnel, the State/ UT Governments were requested to extend suitable benefits to the retired CAPF personnel on the lines of the benefits extended to Ex-Servicemen.

3.However, it is noted that the necessary notification to extend suitable benefits to Ex-CAPFs personnel by the State Government has not been issued, so far.

4.It is therefore, requested to kindly consider and extend the benefits to Ex-CAPFs personnel on the lines of benefits extended to the Ex-servicemen of Defence Forces.”

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the application for the post of Village Panchayat Secretary was rightly rejected as the petitioner did not come under the reserved category of Ex-serviceman. As per the clarification letter issued by the Assistant Director of Ex-servicemen Welfare, Tiruvarur in No.1062/2021/A4 dated 08.06.2021, the petitioner did not come under 'Ex-serviceman category and he belongs to CRPF retired personnel. The letter of the Government of India relied upon by the petitioner is only advisory character and the Government of Tamil Nadu has not issued any order declaring the CRPF retired employee as an 'Ex-serviceman'.



6. Considering the submissions made by the learned counsel on either side and based on the Government Order dated 07.02.2020 in D.O.No.27011/100/2019/R&W, issued by the Ministry of Home affairs, Government of India, this Court find merits in the claim made by the petitioner and the Writ Petition is allowed with the following directions:-

(i) The impugned order dated 25.06.2021 passed by the second respondent vide Na.Ka.No.5999/2019/A59 (Development) is hereby quashed;

(ii) The second respondent shall pass a fresh order with regard to the case of the petitioner and do the needful in accordance with the law, within a period of four months from the date of receipt of a copy of this order.

(iii) No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

1.The Principal Secretary,
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Fort St. George, Chennai 600 009.

2.The District Collector,
Thiruvarur District.



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3.The Special Officer/ Block Development Officer,
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VIVEK KUMAR SINGH, J.

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