



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.23812 of 2022

S.P.Arunachalam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai 600 009.

2.The Commissioner/Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai 600 015.

3.The District Collector,
Coimbatore District, Coimbatore.

4.The Accountant General (A&E),
Teynampet, Chennai 600 018.

... 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 of the fourth respondent in his proceeding Pen.3/2/10323451/ADK/167 dated 26.08.2019 and quash the same and consequently, direct the fourth respondent to revise the pension and pay arrears with all monetary and other attendant benefits pursuant to the order of the third respondent in his



proceeding No.Na.K.11092/K1/2009 dated 10.02.2017 and in his proceeding Roc.No.6322/2017/Y3 dated 20.06.2019.

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For Petitioner : Mr.K.Raja
For Respondent : Mr.R.U.Dinesh Rajkumar,
AGP for R1 to R3
No representation for R4

ORDER

This Writ Petition has been filed for quashment of the order of the fourth respondent in proceeding Pen.3/2/10323451/ADK/167 dated 26.08.2019 and consequently, to direct the fourth respondent to revise the pension and pay arrears with all monetary and other attendant benefits pursuant to the orders of the third respondent in its proceeding No.Na.K.11092/K1/2009 dated 10.02.2017 and Roc.No.6322/2017/Y3 dated 20.06.2019.

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

3. The learned counsel for the petitioner submitted that the petitioner was initially appointed as Village Level Worker/ field man grade II on



05.03.1965 and subsequently, the said post was converted as Rural Welfare Officer Grade II (RWO Gr.II) in Rural Development Department on 19.05.1975. Based on G.O.Ms.No.487, P & AR Department, dated 18.04.1979, the petitioner had been awarded Special Temporary RWO Grade I on 01.10.1978 which was equivalent to Selection Grade in the post of VLQ/RWO Grade II. Thereafter, the petitioner was promoted as RWO Grade I on 05.02.1980, as Extension Officer in the year 1993 and as Block Development Officer on 09.04.1999. Finally, the petitioner has retired from service on attaining the age of superannuation on 31.01.2001 as Block Development Officer in Sulur Panchayat Union, Coimbatore District. As per G.O.Ms.No.210, P & AR Department, dated 11.03.1987, the scale of pay to the petitioner in the post of RWO Grade II/ Special Temporary RWO Grade I was equivalent to the ordinary grade of the higher post namely, RWO Grade I, but the petitioner was entitled to get selection grade in the promoted post of RWO Grade I. Since the petitioner has completed 20 years of service on 04.03.1985, he was entitled to get Selection Grade in the promoted post of RWO Grade I. G.O.Ms.No.375, P & AR Department dated 22.10.1993 and Government Letter Ms.No.168 dated 28.09.1999 had also reiterated the same. Based on the aforesaid Government Order and Government Letter, the



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selection grade in the post of RWO Grade I was awarded to the petitioner on 05.03.1985 as he had completed 20 years of service on 01.10.1984 and with monetary benefit from 01.04.1986 vide proceeding dated 10.02.2017. Hence, the petitioner seeks sanction of arrears from the fourth respondent. The fourth respondent had sought for certain clarifications and the same was also sent by the third respondent.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the extract derived from G.O.Ms.No.210 dated 11.03.1987 by the P & AR Department is admitted. But the entitlement of the petitioner to receive the pay equivalent to Selection Grade in the promoted post must be proved by him through documentary evidence. The petitioner has completed 20 years of service on 04.03.1985 itself and he is entitled to get the concession/pay as per the above said Government Order. The third respondent has already considered the request of the petitioner and arranged for revised pension and arrears with all benefits in their proceedings in Na.Ka.NO.11092/K1/2009 dated 10.02.2017 and in Roc No.6322/2017/Y3 dated 20.06.2019. In approving the same, the fourth respondent has raised some objections and sought some clarifications from the third respondent



which was also replied by the third respondent through proceedings dated 20.06.2019. The fourth respondent has issued a separate proceeding dated 26.08.2019 bearing Ref. NO.PEV3/2/10323451/ADK/167 stating that the petitioner has already awarded with the applicable pay schemes based on the services rendered by him. At this juncture, it is relevant to point out that in none of the Government Orders, the question of awarding the Selection Grade taking into account, services rendered in different posts, since the date of appointment of the Government servant does not arise. In the proceeding of the fourth respondent dated 26.08.2019, the petitioner is instructed to approach the Government for clarification if he requires. He also submitted that the third respondent has raised clarification from the first respondent about the order issued by the fourth respondent in PEV3/2/10323451/ADK/167 dated 26.08.2019, in which the reply was not received by the third respondent.

5. In view of the submissions made by the learned Additional Government Pleader and on perusal of the records, it is seen that in none of the Government Orders, the question of awarding the Selection Grade taking into account, services rendered in different posts, since the date of



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appointment of the Government servant does not arise. In the proceeding of the fourth respondent dated 26.08.2019, the petitioner is instructed to approach the Government for clarification if he requires. The third respondent has raised clarification before the first respondent about the order issued by the fourth respondent in PEV3/2/10323451/ADK/167 dated 26.08.2019 and the same is pending for consideration. Considering this aspect, this Court directs the first respondent to pass appropriate order about the order of the fourth respondent in PEV3/2/10323451/ADK/167 dated 26.08.2019, within a period of 6 weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.08.2024

vkr

Index : Yes / No

Speaking order / Non-speaking order



To

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