



W.P.(MD)No.9982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9982 of 2024

M.Ravichandran

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Rural Development and Panchayaraj Department,
Panagal Maligai,
Saidapet,
Chennai- 600 016.

2.The Director,
Directorate of Rural Development and
Panchayatraj Department,
Chennai-600 015.

3.The District Collector,
Madurai District,
Madurai.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records from the 1st respondent in his proceedings in அரசாணை (பு) எண்.57, ஊரக வளர்ச்சி மற்றும் ஊராட்சி (ப.அ.6) துறை, நாள் 14.03.2023, and quash the same in so far as the wrong fixation of pay from the date of his promotion as Deputy Block Development Officer i.e., on 01.12.2008 and consequently directing the respondents to fix the pay on par with his junior namely, V.P. Maran from the date of his actual promotion dated 01.12.2008 and pay all the arrears and monetary benefits within a period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

The petitioner has filed this writ petition seeking for issuance of Writ of Certiorarified Mandamus to quash the impugned proceedings of the 1st respondent in proceedings in அரசாணை (பு)எண்.57, ஊரக வளர்ச்சி மற்றும் ஊராட்சி (ப.அ.6) துறை, நாள் 14.03.2023, in so far as the wrong fixation of pay from the date of his promotion as Deputy Block Development Officer i.e., on 01.12.2008 and for consequential direction to the respondents to fix the pay on par with his junior namely, V.P. Maran from the date of his actual promotion dated 01.12.2008 and pay all the arrears and monetary benefits.

2. Heard Mr.N.Sathish Babu, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.



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3. In fact the petitioner was given with the benefit of promotion on par with his junior pursuant to the order of this Court dated 02.03.2022 passed in W.P(MD)No.8893 of 2005. As per the direction of the Court, the third respondent has also issued proceedings to grant promotion to the petitioner on notional effect in the cadre of Deputy Block Development Officer and monetary effect from 04.06.2012. The petitioner has got no grievance about this proceedings. The directions given by this Court in paragraph No.10 in W.P(MD).No.8893 of 2005 is extracted hereunder:

"10. Therefore this Court is passing the following order:

a. The petitioner is either entitled to Selection Grade or Promotion for the period 2008 to 2012

b. The option shall be left to the petitioner

c. If the petitioner is interested in getting monetary benefit, then he shall be granted Selection Grade, then the cancellation order shall be recalled.

d. If the petitioner is interested in promotion then the same shall be granted with notional monetary benefits for the period 2008 to 2012 as stated in the G.O.Ms.No.203 Personnel and Administrative Reforms Department (S), dated 30.10.2000

e. The petitioner is entitled to monetary benefits from 2012 to 2014.

11. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."



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4. Now the petitioner's grievance is that the petitioner was not given with the revised pay scale consequent to the 6th pay commission which was given *w.e.f.* 01.01.2006. So far as the petitioner is concerned he has been considered under Fundamental Rules 22 (B). But however, the petitioner claims that the revised pay commission benefit was extended to his junior V.P.Maran, who was holding the promoted post on the relevant date.

5. M.Lingadurai, learned Special Government Pleader submitted that so far as V.P.Maran is concerned he had exercised his option under FR22 (1) (a)(i) and hence his pay was fixed in the promoted post and thereafter he has got his arrears. But so far as the petitioner is concerned, he has got his arrears by virtue of the pay revision in the post of Assistant itself and hence the petitioner is not entitled to the claim now made.



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6. The petitioner is incapable of exercising any option in the promoted post of Deputy Block Development Officer purely for the reason that on the date when his junior V.P.Maran was given promotion, the petitioner was holding the post of Assistant. The petitioner got the benefit of promotion only in pursuant to the orders of this Court and subsequently he was given with the notional effect from 01.12.2008, on which date, V.P.Maran was promoted. When the notional effect was given *w.e.f.* 01.12.2008, the petitioner was actually holding the post of Assistant and hence it is impractical to expect the petitioner to exercise option between the old post and the promoted post as the petitioner could get the benefit by virtue of the order dated 02.03.2022, which occurred subsequent to the date from which the pay commission benefit was implemented and the consequential proceedings dated 07.04.2015 was issued. Hence the petitioner cannot be given with double benefits of getting the revised pay for the post of Deputy Block



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Development Officer and also the arrears already enjoyed by him in the post of Assistant.

7. But the very object of giving promotion to the petitioner on par with his junior V.P.Maran is to ensure that the petitioner should also enjoy the pay revision atleast from the date when he was allowed to get the monetary benefit and also the post-retirement benefits in the post which he was holding at that point of time. Since the petitioner has got the occasion to exercise the option only after he got an order for promotion atleast notionally, a direction could have been given to the first respondent to pass a revised order by revising the petitioner's scale on par with his junior V.P.Maran by considering the fact that the petitioner has not given any opportunity to exercise his option only under FR22 (1)(a)(i). In fact the petitioner has got no other option except to get arrears in the cadre of Assistant, on which date, there is no assurance for promotion to the next level.



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8. Hence, the third respondent is directed to fix the pay of the petitioner on par with his junior V.P.Maran. However while sanctioning the arrears in this regard, the earlier arrears granted to the petitioner in the post of Assistant will be adjusted. In fact the petitioner himself has appeared in person and has also given an undertaking stating that in the event of getting this relief he would be ready to surrender his earlier arrears which he obtained in the cadre of Assistant on the basis of the revised pay revision.

9. With the above observations and directions, this writ petition is **disposed of**. No Costs.

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Index : yes/no
Internet : yes/no
NCC : yes/no
PJJ



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To

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R.N.MANJULA, J.

PJL

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