



W.P.Nos.15724 of 2010 and 7970 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 12.11.2024

ORDERS PRONOUNCED ON : 03.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.15724 of 2010 and 7970 of 2014

W.P.No.15724 of 2010:

- 1.D.Thanaraj John Pandian
- 2.R.Gurusamy
- 3.N.Loganathan
- 4.S.Vasudevan
- 5.K.B.Angu Sundaram
- 6.K.Swamy
- 7.P.S.Muthaiyan
- 8.P.S.Durai Babu
- 9.P.D.Deva Arul

... Petitioners

Vs.

- 1.The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj (E4) Dept.,
Fort St. George, Chennai-600 009.
- 2.The Director of Rural Development,



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Panagal Buildings, Saidapet,
Chennai-600 015.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records pertaining to the Letter bearing No.11786/E4/2009-1 of the first respondent herein confirming the earlier order passed by them in Letter No.32572/EIV/2003 dated 29.10.2008 and quash the same and further direct the first respondent to draw integrated seniority list of Assistant/Rural Welfare Officer Gr.I, Extension Officer, Deputy Block Development Officer and Block Development Officer by following the guidelines issued by the Government in G.O.Ms.No.936, RD (R.E.) Department dated 21.11.1990 and the order passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.4991-4992/1991 dated 19.08.1993 with all consequential benefits such as retrospective notional promotion and consequent pension benefits to the petitioners.

For Petitioners : Mr.K.S.Viswanathan
Senior Counsel
assisted by Mr.T.Hemalatha

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
assisted by
Ms.V.Yamuna Devi



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Special Government Pleader

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- 1.B.Joseph
- 2.S.Thangavelu
- 3.J.Dhanasingh
- 4.E.Chandra Kesavan
- 5.J.Nesamani

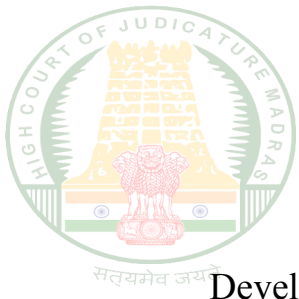
... Petitioners

Vs.

- 1.The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj (E4) Dept.,
Fort St. George, Chennai-600 009.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai-600 015.
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Kancheepuram District,
Kancheepuram.

... Respondents

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Development Officer by following the guidelines issued by the Government in G.O.Ms.No.422, RD & LA, dated 09.03.1977 and the order passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.4991-4992/1991 dated 19.08.1993 with all consequential benefits such as retrospective notional promotion and consequent pension benefits to the petitioners.

For Petitioners : Mr.K.S.Viswanathan
Senior Counsel
assisted by Mr.T.Hemalatha

For Respondents : Mr.G.Velu
Additional Government Pleader

COMMON ORDER

As the claim that is being made by the petitioners in both the writ petitions is identical, both the writ petitions were heard together and are being disposed of by this common order.

2. The petitioners in both the writ petitions are all retired Government servants having retired from service on attaining the age of superannuation during the years 1994 to 2002 in various posts such as Block Development Officer, Deputy Block Development Officer, etc.



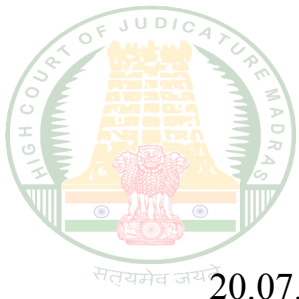
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3. The dispute is with regard to the seniority among the Government servants working in Rural Development and Panchayat Raj Department as on 01.04.1974 and the provincialised Government servants brought into the purview of Rural Development and Panchayat Raj Department with effect from 01.04.1974.

4. As seen from the affidavits filed in support of both the writ petitions, the case of the petitioners is that the Respondent No.3-District Collector while preparing the *inter se* seniority list in various cadres among the existing Government servants as on 01.04.1974 and the provincialised Government servants brought into the Rural Development and Panchayat Raj Department with effect from 01.04.1974, has taken into consideration the service rendered by the provincialised Government servants prior to 01.04.1974 also and thereby, they were treated as seniors to the petitioners in both the writ petitions.

5. The said *inter se* seniority list was prepared as early as on



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20.07.1995 through proceedings in Rc.No.25886/93/PA2 by Respondent No.3 herein. The said seniority list was not challenged by any of the petitioners herein. Admittedly, all the petitioners herein were shown in the said seniority list dated 20.07.1995. However, the Tamil Nadu Rural Welfare Officers Association, represented by its Vice President Thanaraj John Pandian, who is also the first petitioner in W.P.No.15724 of 2010, filed O.A.No.7732 of 1995 before the then Tamil Nadu Administrative Tribunal and subsequently, the said Original Application was transferred to this Court and renumbered as W.P.No.23212 of 2006. The challenge in the said writ petition is to the letter bearing No.39352/E4/92-14, dated 06.06.1995 whereby the Government issued instructions for preparation of seniority list. Through the said letter, the Government directed the Rural Development Officer Grade-I upgraded from the post of Rural Welfare Officer Grade-II with effect from 01.04.1974 are to be placed below the provincialised Government servants and the provincialised Government servants are to be placed below the Government servants, who were working in the Rural Development and Panchayat Raj Department as on 01.04.1947. Aggrieved by the said guidelines issued through letter dated 06.06.1995, the Petitioner No.1 in W.P.No.15724 of 2014



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in the capacity of Vice President, questioned the same. However, for the reasons best known, the said Association instead of inviting order on merits, has sought permission to make a representation to the first respondent with regard to the relief sought for in the said writ petition in W.P.No.23212 of 2006. In view of the same, this Court, without deciding the matter on merits, permitted the petitioner Association therein to submit a representation and further directed for consideration of the said representation. It was pursuant to the said order, the said Association submitted a representation dated 18.08.2008 and the said representation was rejected by Respondent No.1 by passing an order in Letter No.32572/EIV/2003, dated 29.10.2008. A copy of the said representation dated 18.08.2008 is not placed before this Court. However, from the said orders dated 29.10.2008, it appears that the said Association made a claim for counting the training period undergone by the Rural Welfare Officers for the purpose of seniority on the ground that the said service was counted for the purpose of promotion, increment and pensionary benefits. The said claim was rejected stating that there are no orders issued by the Government for counting the training period for the purpose of seniority. Further, it is also stated that the said seniority list was prepared in terms of the

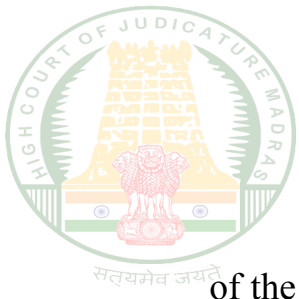


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orders dated 03.11.1993 passed by the Tamil Nadu Administrative Tribunal in O.A.No.4706 of 1992 and orders dated 20.01.1995 in O.A.No.2608 of 1994, O.A.No.3923 of 1994, 4139 of 1994 etc. Thus, the request of the said Association for revision of seniority in the cadre of Assistant/Rural Welfare Officer Grade-I and for suitable placement in the higher position was rejected. Thereafter, the said Association submitted yet another representation on 27.05.2009 and the said representation was also rejected in view of the previous orders dated 29.10.2008. It is aggrieved by the said orders dated 29.10.2008 and 29.10.2009, the petitioners filed the present writ petitions.

6. The seniority list that was issued by Respondent No.3 as early as on 20.07.1995 was not challenged by any of the petitioners herein, though all the petitioners were placed at the inappropriate place in the said seniority list. The said seniority list was issued in the year 1995. All the petitioners herein retired from service prior to the year 2001. Though the Rural Welfare Officers Association filed O.A.No.7732 of 1995 before the then Administrative Tribunal, the said Association has not invited any orders on merit. Thus, the seniority list dated 20.07.1995 has attained finality and it is not open for any



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of the petitioners herein to challenge the said seniority list after a long lapse of more than 15 years. Even that seniority list is not in challenge in the present writ petition.

7. The contention raised in the affidavits filed in support of the writ petitions stating that the provincialised Government servants were given seniority over the petitioners by counting the service rendered by them prior to 01.04.1974 is denied by the respondents by filing a counter affidavit categorically contending that the provincialised Government servants were not given benefit of service rendered by them prior to 01.04.1974 while preparing the seniority list dated 20.07.1995. On the other hand, it has been specifically reiterated that the said seniority list was prepared strictly in terms of the orders passed by the Tamil Nadu Administrative Tribunal referred to above. As against the said specific contention raised in the counter affidavit as well as in the additional counter affidavit filed by Respondent No.3, there is no rejoinder or reply affidavit filed on behalf of the petitioners, nor any material is placed before this Court to contradict the said statement made by Respondent No.3. In the absence of any material being placed before this Court in support of the

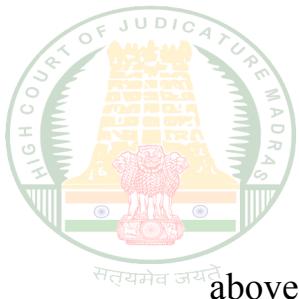


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contention that the service rendered by the provincialised Government servants prior to 01.04.1974 was taken into consideration while preparing the *inter se* seniority list dated 20.07.1995, cannot be appreciated.

8. Be that as it may, from the perusal of the affidavit and other material placed before this Court, it is noticed that the petitioners herein, who are initially appointed as Grama Sevakas were subsequently appointed as Rural Welfare Officer Grade-II and thereafter, upgraded as Rural Welfare Officer Grade-I after imparting two years of training. The Association of Rural Welfare Officers made a claim for counting of the said two years training period for the purpose of declaration of probation and grant of increment initially and the said request was acceded to by the Government by issuing G.O.(Ms) No.164, Rural Development (E4) Department, dated 30.07.1992. Thereafter, the association of the Rural Welfare Officers made yet another request for counting of the training period for the purpose of pensionary benefits and the same was also accepted by the Government by issuing orders in G.O.(Ms) No.85, Rural Development Department, dated 10.07.2002. Thus, the said training period was taken into consideration for the



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above limited purpose as a matter of concession extended in favour of the upgraded Rural Welfare Officers Grade-I. But the claim of the petitioners for counting of the said training period for the purpose of seniority as well, cannot be claimed as a matter of right and there are no orders issued by the Government for counting the training period for the purpose of seniority. In case, if the said period is to be taken into consideration for the purpose of seniority also, the same would affect the others, who are working in the post of Rural Welfare Officer Grade-I and other equivalent cadres. Therefore, the Government has not extended any such benefit to the petitioners.

9. From the above, it is evident that none of the petitioners have not chosen to challenge the seniority list that was issued as early as on 20.07.1995 and though the challenge was made to the guidelines issued through letter dated 06.06.1995 for preparing the said seniority list, instead of inviting an order on merits from this Court, the Association of Rural Welfare Officers has chosen to go before the Government by submitting representations and the said representations are now rejected by the Government by passing the impugned ordres.



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10. In the light of the above, the claim of the petitioners for seniority contrary to the placement in the *inter se* seniority list issued through proceedings dated 20.07.1995 is hopelessly belated and the same cannot be entertained especially in the context of the fact that all the petitioners herein have retired from service during the period 1993 to 2001.

11. In the light of the above, the petitioners miserably failed to establish that the provincialised Government servants were treated as seniors by counting the service rendered by them in Panchayat Union prior to 01.04.1974 and therefore, the Writ Petitions fail and the same are accordingly dismissed. However, there shall be no order as to costs.

03.03.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To



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MUMMINENI SUDHEER KUMAR, J.

ABR

Pre-delivery Common Order made in
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