



W.P.No.11655 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.11655 of 2018
and W.M.P.No.13644 of 2018

A.Dhanabal
S/o. P.Ayeechetty
Block Development Officer
(Block Panchayat)
Rasipuram Block,
Namakkal District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.
2. The Director of Rural Development &
Panchayat Raj Department,
Chennai – 600 015.
3. The District Collector,
Namakkal District,
Namakkal.
4. The Personal Assistant to
District Collector (Development)
Collectorate, Namakkal.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records of the second respondent relating to the order in Na.Ka.No.89321/2017/C1 dated 07.12.2017 and Na.Ka.No.Ni2/20452/2017 dated 29.12.2017 and Pro.Na.Ka.No.N1.2/4436/2018-1 dated 10.04.2018 of the third respondent in so far as the petitioner is concerned and quash the same and to issue consequential directions to the respondents not to disturb the Selection Grade Scale of Pay already granted to the petitioner in the post of Deputy Block Development Officer and continue to grant the pay to the petitioner without any reduction or recovery.

For Petitioner : Mr.M.Ravi

For R1-R4 : Mr.P.Arunkumar
Govt. Advocate

ORDER

Heard Mr.M.Ravi, the learned counsel for the Petitioner and Mr.P.Arunkumar, the learned Government Advocate for the respondents.

2. The petitioner has filed this writ petition challenging the order passed by the second respondent in Na.Ka.No.89321/2017/C1 dated 07.12.2017 and the orders passed by the third respondent in Na.Ka.No.Ni2/20452/2017 dated 29.12.2017 and Pro.Na.Ka.No.N1.2/4436/2018-1 dated



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10.04.2018, in so far as the petitioner is concerned and to issue consequential directions to the respondents not to disturb the Selection Grade Scale of Pay already granted to the petitioner in the post of Deputy Block Development Officer and continue to grant the pay to the petitioner without any reduction or recovery.

3. The petitioner was granted with selection grade in the post of 'Deputy Block Development Officer' w.e.f 12.04.2017 by taking into account of his services rendered in the post of 'Extension Officer'. The post of 'Extension Officer' ceased to exist on and from 28.08.2008 in view of the upgradation of that post to 'Deputy Block Development Officer' due to the Government Order issued to that effect in G.O.Ms.138, Rural Development and Panchayat Raj (PA4) Department, dated 28.08.2008.

4. Even though the petitioner had been given with the benefit of selection grade as on 13.04.2017 in view of his completion of 10 years of service in the cadre of 'Deputy Block Development Officer' which is inclusive of his services in the cadre of 'Extension Officer', the impugned order dated 29.12.2017 has been passed to cancel the selection grade and to recover the selection grade monetary benefits given to him. The third



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respondent has also issued direction to the fourth respondent to this effect. It is learnt that the above directions have been given in pursuant to the clarificatory note submitted by the second respondent on 07.12.2017.

5. Mr.M.Ravi, the learned counsel for the petitioner, submitted that the post of 'Extension Officer' has been upgraded to the post of 'Deputy Block Development Officer' in pursuant to G.O.Ms.138, Rural Development and Panchayat Raj (PA4) Department, dated 28.08.2008 and hence the selection grade which has been already allowed to the petitioner on his completion of 10 years of service in the cadre of 'Deputy Block Development Officer' inclusive of the period for which he has been functioning as 'Extension Officer', ought not to have been cancelled. It is further submitted that the petitioner's probation in the cadre of 'Deputy Block Development Officer' has also been declared by taking into account of his period of service rendered in the cadre of 'Extension Officer' and hence the clarification issued by the second respondent itself is wrong and the consequential orders passed by the third respondent are liable to be set aside.



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6. It is not in dispute that the post of 'Extension Officer' has been upgraded and equated to the post of 'Deputy Block Development Officer' with effect from the issuance of G.O.Ms.138, Rural Development and Panchayat Raj (PA4) Department, dated 28.08.2008. Before the issuance of the above order, none of the Extension Officer could claim themselves as 'Deputy Block Development Officer' because the re-designation itself would be taken prospectively by issuance of the order dated 28.08.2008. But the third respondent appears to have misconstrued the prospective effect for the purpose of calculating the total number of years of service in cadre of 'Deputy Block Development Officer' for granting selection grade pay. Once the post is upgraded and re-designated as 'Deputy Block Development Officer' then the previous post in which the petitioner has been rendering his services as 'Extension Officer' should also be included along with his services rendered in the re-designated post of 'Deputy Block Development Officer' for the purpose of granting the monetary benefit like selection grade. Much clarity on this aspect is thrown by the Government Order in G.O.Ms.No.68 Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986. In the said Government Order it is stated as under:

“ (iv) Service rendered in a lower post on other duty should be taken into Account as qualifying service in the higher post for



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advancement to the Selection / Special Grade. The service rendered in an equivalent or higher post on other duty alone should be taken into account for advancement to Selection / Special Grades, to the extent he should have acted in his original post in the parent Department but for his deputation.”

7. The above Government Order would clarify that the service rendered in an equivalent higher post on other duty can be taken into account for advancement of selection grade / special grade to the extent that the officer should have acted in his original post in the parent department but for his deputation. After the issuance of G.O.Ms.No.138, Rural Development and Panchayat Raj Department dated 28.08.2008, the definition of the term “Deputy Block Development Officer” would only mean it includes the upgraded post of “Extension Officer”.

8. As rightly stated in G.O.Ms.No.68 Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986, the post rendered by an Official in the lower post alone should not be taken into account as qualifying service in the higher post. So far as the post of Extension Officer is concerned, it is not treated as a lower grade post but it has been upgraded to the post of 'Deputy Block Development Officer'. When the services



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rendered in the cadre of 'Extension Officer' is also included for the purpose of declaring probation in the cadre of 'Deputy Block Development Officer', it goes without saying that such services should be taken into account for all other benefits including the selection grade / special grade pay benefits.

9. The order cancelling the selection grade was issued by the third respondent only on the clarification submitted by the second respondent dated 07.12.2017. In the said clarification even though the Government Order in G.O.Ms.No.68 Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986 has been referred, it has been wrongly construed for the very reason that the post of 'Extension Officer' has been considered as a lower level post without taking into account of its upgradation. By depriving the petitioner from taking into account of the service rendered by him in the post of Extension Officer to be included in the services for selection grade in the upgraded post, would not only delay his selection grade pay but it would also place him to face a disadvantageous situation. Because he would not get the selection grade as on 13.04.2017, neither in the cadre of 'Extension Officer' nor in the cadre of 'Deputy Block Development Officer'.



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WEB COPY 10. The petitioner has not been given with the benefit of including his services in the post of 'Extension Officer' for the purpose of selection grade, either in the cadre of 'Extension Officer' or in the cadre of 'Deputy Block Development Officer'. This cannot be the import of the clarification given in G.O.Ms.No.68 Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986. Once the post has been equated or re-designated into some other post, then the officer's selection grade and special grade pay ought to have been given by taking into account of his earlier services in the post which has been upgraded and equated subsequently.

11. Had the petitioner been promoted from the post of 'Extension Officer' to the post of 'Deputy Block Development Officer', it is right to interpret G.O.Ms.No.68 Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986, in a manner in which the second respondent had offered the clarification. Admittedly, the petitioner has been discharging his duties in the cadre of 'Deputy Block Development Officer' not due to promotion and only due to upgradation. In such case, the selection grade benefit already allowed to him ought not to have been cancelled by wrong understanding of the whole of the object and spirit of G.O.Ms.No.68



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Personnel & Administrative Reforms (PER-M) Department dated

23.01.1986. Hence, I feel the impugned orders are liable to be quashed.

12. In the result, this Writ Petition is allowed and the order passed by the second respondent in Na.Ka.No.89321/2017/C1 dated 07.12.2017 and the orders passed by the third respondent in Na.Ka.No.Ni2/20452/2017 dated 29.12.2017 and Pro.Na.Ka.No.N1.2/4436/2018-1 dated 10.04.2018 are quashed and the respondents are directed to restore the Selection Grade Scale of Pay already granted to the petitioner in the post of Deputy Block Development Officer without any reduction or recovery but with all other attendant benefits. No costs. Connected miscellaneous petition is closed.

03.02.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.
2. The Director of Rural Development &
Panchayat Raj Department,
Chennai – 600 015.
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