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W.P.No. 19417 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-05-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

WP No. 19417 of 2025

and

WMP No.21674 of 2025

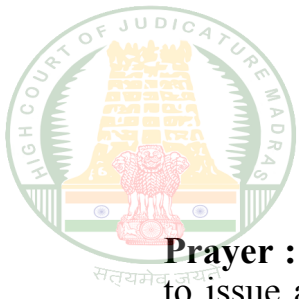
Syamala D.

...Petitioner

Versus

1. The Chairperson/Additional Chief Secretary
to Government, Planning, Development and
Special initiatives Department,
Secretariat, Chennai-600 009.
2. The Additional Chief Secretary to Government
Rural Development and Panchayat Raj
Department, Secretariat, Chennai-600 009.
3. The Commissioner
Rural Development and Panchayat Raj
Department, Panagal Building, Saidapet,
Chennai-600 015.
4. The District Collector-cum-Chairman
Namakkal District Rural Development Agency
Namakkal Collectorate, Namakkal Districts.

..Respondents



W.P.No. 19417 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 4th respondent vide proceeding in NA.KA.No. 1052/2022/A10, dated 03.04.2025 and direct the respondents to continue me as Ombudsperson in the light of the guideline No.2.2.9 issued by the Government of India in File No.M-11015/112022-RE-III (380157), dated 20th March, 2023.

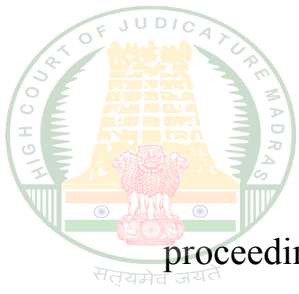
For Petitioner : Mr.P. Ganesan

For Respondents : Mr.P. Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the fourth respondent vide proceeding in NA.KA.No. 1052/2022/A10, dated 03.04.2025 and for consequential direction to the respondents to continue the petitioner as Ombudsperson in the light of the guideline No.2.2.9 issued by the Government of India in File No.M-11015/112022-RE-III (380157), dated 20th March, 2023.

2. The grievance of the petitioner is that she submitted a representation to the 3rd respondent requesting an extension of her tenure in accordance with the aforesaid guidelines. It was, however, rejected by the 3rd respondent by his

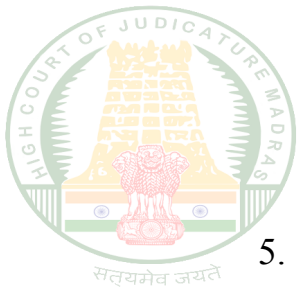


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proceedings dated 03.04.2025 and thereby refused to extend her tenure and relieved her from the post of Ombudsman. This order is now under challenge in the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. On perusal of the records, it is seen that the petitioner was selected for the post of Ombudsman for redressal of grievances under Mahatma Gandhi National Rural Employment Guarantee Scheme [MGNREGS] by the Government of Tamil Nadu vide G.O.(Ms).No.34, Rural Development Department, dated 21.03.2022. In pursuance of the same, the 3rd respondent selected her to the post of Ombudsman, appointed and posted her for Namakkal District by issuing an order of appointment dated 28.03.2022. As per Clause 2.2.9 of the said guidelines, the Ombudsperson shall be appointed for a tenure of two years extendable not more than twice by one year each based on a performance appraisal process or till the incumbent attains the age of 68 years whichever is earlier. In respect of Ombudsperson of 21 Districts, two years have been extended by following the guidelines in G.O.(Ms).No.94, Rural Development Department, dated 22.05.2024 issued by the Government of India.

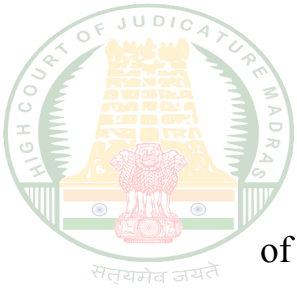


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5. It is also seen that the Ombudsperson shall be appointed for tenure of 2 (two) years extendable not more than twice by one year each based on a performance appraisal process or till the incumbent attains the age of 68 (sixty-eight) years, whichever is earlier. There shall be no reappointment.

6. The learned Counsel for the petitioner would in support of the claim for extension of the tenure of the petitioner for further one year would place much reliance upon the judgment in the case of **Ramakrishnan K.M. v. Union of India** in W.P.(C).Nos. 7976 and 2868 of 2024, dated 17.03.2025, wherein the relevant Paragraph Nos.8, 9 and 10 which are extracted hereunder:-

“8. I have considered the submissions. The Court is required to give correct construction to the language employed in Clause 2.2.9 of the guidelines dated 20.03.2023 issued by the Government of India, Ministry of Rural Development. The said Clause has already been extracted above. The sentence; “The Ombudsperson shall be appointed for tenure of 2 (two) years extendable not more than twice by one year each based on a performance appraisal process....” is a 'single sentence'. Only one verb 'shall' has been used in the sentence. Therefore, this sentence cannot be broken into separate sentences. Thus, the performance appraisal is mandatory on completion of two years



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of initial tenure and if in the performance appraisal, the work and conduct of the Ombudsman is found satisfactory, his services ought to be extended for a period of one year, and thereafter, for a period of another one year that too, on the basis of the second performance appraisal.

9. I am of the considered view that the State Government does not have the discretion not to conduct the performance appraisal and without conducting the performance appraisal terminates the 2025-KER-23273 appointment of the Ombudsman on expiry of two years. Thus, it is held that conducting the performance appraisal is mandatory, his service should be extended for another one year, and thereafter, for another one year that too based on the performance appraisal.

10. Thus, the present writ petitions are hereby allowed. The Government may conduct performance appraisal of the working of the petitioners, and if it is found that their work and conduct are satisfactory, they should be allowed to continue till they complete their extendable tenure as Ombudsman. If the Government decides not to take the exercise of performance appraisal, the petitioner should be allowed to continue to complete their extended time as per the guidelines. It is, however, made clear that the Government may go ahead with the selection of the new Ombudsman but, they shall be appointed



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only after the extended tenure of the petitioners gets completed.”

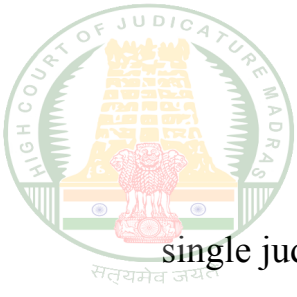
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7. The learned Special Government Pleader would on the other hand bring to the notice of this court the order of this court dated 27.06.2024 made in W.P.No.16820 of 2024 (Gopinath v. The Principal Secretary, Department of Rural Development and Panchayat Raj, Chennai).

8. I have considered the rival submissions carefully.

9. Admittedly, the post is a tenure post. The petitioner was given one year extension. The grievance of the petitioner is that she was not given consideration for an extension even though her service is extendable for another one year.

10. In an identical issue, the Madurai Bench of this Court, vide order dated 27.08.2019 in W.P.(MD) Nos. 5632 to 5634 of 2015, has held that the extension of tenure cannot be claimed as a matter of right of the petitioner, but it should be on the mutual agreement basis. The said view was also followed by a learned



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single judge of this Court in W.P.No. 16820 of 2024 vide order dated 27.06.2024.

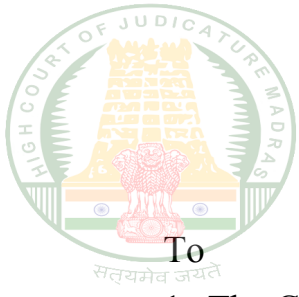
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11. Thus, this court is also of the view that the extension of tenure for further one year cannot be claimed as a matter of right and extension of tenure must be on the mutual agreement basis.

12. In the light of the above legal position, the writ petition shall stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.05.2025

kmk/msm



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To

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to Government, Planning, Development and
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2. The Additional Chief Secretary to Government
Rural Development and Panchayat Raj
Department, Secretariat, Chennai-600 009.
3. The Commissioner
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T.V.THAMILSELVI, J

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