



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.28386 of 2019

T.Sakkappa (deceased)

Madevamma,
W/o late T.Sakkappa,
Pattaiaman Kovil Street,
3rd cross, Manjunath Layout,
Denkanikottai, Krishangiri District-635 107.

[P2 -substituted as LR's of
deceased P1, as per order dated
18.11.2024 in WMP.No.31410/2022
in WP.No.2836/2022]

...

Petitioner

/vs/

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Handlooms, Handicrafts,
Textiles & Khadi Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Director of Sericulture,
Silk Development Department,
Hasthampatty,
Salem District 636 007.

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Respondents



Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiaroified Mandamus to call for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.19342/PaAa4/2018 dated 09.08.2019 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to grant selection grade in the post of Junior Inspector of Sericulture with effect from 14.02.2006 and pay all monetary and any other service benefits.

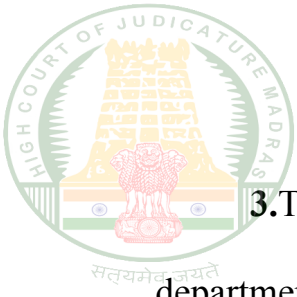
For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.Stalin Abimanuyu
Additional Government Pleader.

ORDER

This writ petition has been filed to call for the records pertaining to the 2nd respondent in Na.Ka.No.19342/PaAa4/2018 dated 09.08.2019 and quash the same and direct the respondents to grant selection grade in the post of Junior Inspector of Sericulture with effect from 14.02.2006 and to pay all monetary and any other service benefits.

2. Heard Mr.R.Jayaprakash, learned counsel for the petitioner and Mr.Stalin Abimanuyu, learned Additional Government Pleader for the respondents and perused the materials available on record.



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3. The deceased 1st petitioner who was working with the 2nd respondent department was issued with a charge memo on 27.11.2001 and he was imposed with the punishment of stoppage of one increment with cumulative effect by issuing the government order in G.O(Ms).No.49, Handlooms, Handicrafts, Textiles & Khadi (G1) Department dated 06.04.2011. Even though the deceased 1st petitioner was qualified to get the selection grade in the post of junior inspector of Sericulture. He was not given with the selection pay in view of the pending disciplinary proceedings. once the punishment period was ended on 31.12.2012 and thereafter the deceased 1st petitioner was given with a selection grade with effect from 01.01.2003 and subsequently, he was retired on 31.01.2015. Despite the deceased 1st petitioner was given a charge memo on 20.07.2001, the disciplinary proceedings has ended after 9 years only on 22.11.2010. As on the date when the deceased 1st petitioner had completed 10 years of service for getting the selection grade, no punishment was pending.

4. The learned counsel for the petitioner submitted that similarly placed person has been given with the above benefit in pursuant to the order passed in WP.No.7008/2007. In the said writ petition it has been observed as under:

"10.I have perused both the G.O.Ms.No.68, Personnel and



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Administrative Reforms (Per-M) Department and G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department. In view of the G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department, the petitioner is entitled to Selection Grade with effect from 19.10.1993, as the pendency of disciplinary proceeding is not bar for the grant of Selection Grade.

11. I am of the considered view, that after the issue of G.O.Ms.276, Public and Administrative Reforms(Personnel.S) Department, the petitioner is entitled to Selection Grade from 19.10.1993 on completion of 10 years of service irrespective of pendency of disciplinary proceedings as on 19.10.1993.

12. Hence, while rejecting the prayer of the writ petitioner, relating to the quashing of the punishment of stoppage of increment, for a period of 3 months without cumulative effect, the prayer relating to the granting of Selection Grade with effect from 19.10.1993 is allowed, and a direction is issued to the 2nd respondent to grant the petitioner Selection Grade as Assistant Supervisor of Industrial Cooperative with effect from 19.10.1993, within a period of four weeks from the date of receipt of the copy of this order, with all the consequential benefits. "

5. However the learned counsel for the respondent submitted that at the time when the petitioner had completed 10 years of service, the charge memo was pending and hence he was not considered for granting the selection grade. It is further submitted that in view of the clarification given by the government in government letter No.16508/S/2005-3, Personnel and Administrative Reforms (S) Department, dated 17.06.2005, the direction given in G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department dated 07.08.1992 stands



cancelled and to confirm the same, another government letter No.18688/S/2010-

3, dated 09.06.2011 has been issued.

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6. Even according to the submission made by the respondents, the benefit given under the government order in G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department dated 07.08.1992 has been cancelled, only with effect from 09.06.2017 on which date the government letter has been issued. Until such time the government order in G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department dated 07.08.1992 was very much in force and nothing would have prevented the respondents to grant the selection grade for the deceased 1st petitioner irrespective of the pendency of the disciplinary proceedings.

7. It is not the allegation of the respondents that the disciplinary proceedings were kept pending only because of any default on the part of the deceased 1st petitioner. The impugned order has been passed without taking into consideration of the fact that the G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department dated 07.08.1992 was very much in force at the time when the deceased 1st petitioner was attained his eligibility to get his selection grade in the year 2006. As the same has not been awarded to him the



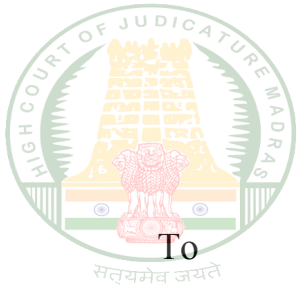
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writ petition has been filed during his life time. Just because the deceased 1st petitioner had retired from service at the time when the writ petition was filed, will not dis entitle him the benefit which accrued to him while he was in service.

8. In view of the same, this writ petition is **allowed**. The impugned order passed by the 2nd respondent in Na.Ka.No.19342/PaAa4/2018 dated 09.08.2019 is set aside. The respondents are directed to grant selection grade in the post of Junior Inspector of Sericulture with effect from 14.02.2006 , within a period of 4 weeks from the date of receipt of copy of this order. No costs. Consequently the connected miscellaneous petition if any is closed.

14.03.2025

Index : Yes
Internet : Yes/No
jrs



To

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1. The Secretary,
Government of Tamil Nadu,
Handlooms, Handicrafts,
Textiles & Khadi Department,
Secretariat, Fort St. George,
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2. The Director of Sericulture,
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R.N.MANJULA, J.
jrs

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