



W.P.(MD)No.18054 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.18054 of 2019

Namasivayam

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director,
Rural Development,
Ramanathapuram.

3.The Block Development Officer,
Mandapam Panchayat Union,
Mandapam,
Ramanathapuram District.

4.The Panchayat President,
Pattanam Kathan Panchayat,
Mandapam,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to pay the monetary benefits as stipulated in G.O.Ms.No.191, dated 29.04.1998 regarding 40% increase in salary for the period from 01.01.1996 till the date of retirement on 28.02.2002 to the petitioner with



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interest and to modify the pension from the date of retirement and pay the due arrears.

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For Petitioner : Mr.S.Pandiyaraj

For R1, R2 & R4 : Mr.K.R.Badurus Zaman,
Government Advocate

For R3 : Mr.J.Gunaseelan Muthiah

ORDER

This writ petition has been filed seeking a direction to the respondents to pay monetary benefits as stipulated in G.O.Ms.No.191, dated 29.04.1998 regarding 40% increase in salary for the period from 01.01.1996 till the date of retirement on 28.02.2002, based on the petitioner's representation.

2.The case of the petitioner is that he joined as Village Assistant in fourth respondent Panchayat from 01.01.1991. After putting 11 years service in the fourth respondent Panchayat, he was retired from service on 28.02.2002 on superannuation. When he joined as Village Assistant, he derived monthly salary of Rs.400/- and drawn Rs.2,003/- as monthly salary at that time of his retirement. The government has passed an order



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in G.O.Ms.No.191, Finance (Pay Cell) Department, dated 29.04.1998

regarding 40% increase in salary from 01.01.1996. The said G.O. and its annexure clearly shows that the said Government Order is applicable to all the employees including employees of the Panchayat. But the respondents did not pay 40% increase in remuneration. He approached the respondents in person and sent representation, but they did not consider. Subsequently, he sent reminder letter on 03.07.2019 to the respondents. But the respondents have not given any benefits to him. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that the annexure mentioned in G.O.Ms.No.191 clearly states that the said order is applicable to the employees including the employees of the Panchayat. To strengthen his contention, he has relied upon the judgment of the learned Single Judge of this Court in W.P.(MD)No. 10802 of 2012 dated 24.08.2017 to show that G.O.Ms.No.191 is applicable to all the employees including employees of Panchayat and when the Government itself expressed its decision to accept the recommendation of the official committee on paying remuneration, the said revision is also applicable to the Panchayat employees and the benefits extended under the said Government Order cannot be denied.



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4.Per contra, the learned Government Advocate appearing for the respondents 1, 2 & 4 would submit that The Principal Secretary to Rural Development and Panchayatraj Department issued a clarification vide Government Letter dated 04.03.1999, thereby, it has been specifically clarified that the benefit under G.O.Ms.No.191 is not applicable to the Panchayat Secretary / Village Assistant of Rural Development and Panchayatraj Department. He would submit that various authorities had wrongly extended the benefits of G.O.Ms.No.191 in favour of number of ineligible Village Assistants and later on, after following the clarification orders passed by the Principal Secretary to Rural Development and Panchayatraj Department issued administrative instructions to all the District Collectors to initiate necessary recovery proceedings as against the Village Assistant who were wrongly granted benefit under the said government order. Therefore, the petitioner is not entitled to seek any relief based on the said government order.

5.This Court has considered the submissions made on either side and perused the available records.



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6.It is seen from the records that the writ petitioner was working as

Village Assistant in Pattanam Kathan Panchayat, Mandapam, Ramanathapuram District and retired from service on 28.02.2002 on superannuation, to that effect, the District Collector, Ramanthapuram has issued an order dated 20.02.2002. It is the specific case of the petitioner that he is entitled to get 40% increase in salary for the period from 01.01.1996 till the date of retirement on 28.02.2002. The learned counsel appearing for the petitioner has relied upon the judgment of this Court in W.P.(MD)No.10802 of 2012 dated 24.08.2017 and this Court has observed as follows:-

5.In view of the above Division Bench Order and further fact that the very Government Order itself is applicable for all the employees including the Panchayat, the Writ Petitioners are certainly entitled to such benefit. Accordingly, the writ petitions are allowed and the respondents are directed to pay the monetary benefits as stipulated in G.O.Ms.No. 191, Finance (Pay Cell) Department, dated 29.04.1998 regarding 40% increase in salary, within a period of 4 weeks from the date of receipt of a copy of this order. It is made clear that the respondents shall calculate the amount payable to the writ petitioners and disburse the amount to the writ petitioners within three months. No costs.



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7. In the light of the above decision, this Court, without going into the merits of the case, directs the first respondent to consider the representation submitted by the petitioner dated 03.07.2019 with regard to 40% increase in salary for the period from 01.01.1996 till the date of retirement on 28.02.2002, as per G.O.Ms.No.191, dated 29.04.1998, on merits, if otherwise the petitioner is eligible, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case.

8. With the above direction, this writ petition is disposed of. No costs.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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