

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.15939 to 15954 of 2016

W.P.No.15939 of 2016

K.Panchanathan ... Petitioner in WP.15939 of 2016  
N.Manavalan ... Petitioner in WP.15940 of 2016  
**\*V. Paneerselvam** ... Petitioner in WP.15941 of 2016  
P.Murugesan ... Petitioner in WP.15942 of 2016  
N.Muthupillai ... Petitioner in WP.15943 of 2016  
C.Thiyagaraja ... Petitioner in WP.15944 of 2016  
S.Jesudoss ... Petitioner in WP.15945 of 2016  
S.Sundaram ... Petitioner in WP.15946 of 2016  
R.Nazeer Ahamed Khan ... Petitioner in WP.15947 of 2016  
P.Kanagavel Narayanasamy ... Petitioner in WP.15948 of 2016  
S.Sebastian Amalraj ... Petitioner in WP.15949 of 2016  
R.Govindaraju ... Petitioner in WP.15950 of 2016  
S.A.Gabriel ... Petitioner in WP.15951 of 2016  
S.Sundararajan ... Petitioner in WP.15952 of 2016  
A.Shagul Hameed ... Petitioner in WP.15953 of 2016  
K.Dhanapal ... Petitioner in WP.15954 of 2016

Vs

1. The Agricultural Production,  
Commissioner and Principal Secretary to Govt.  
Agricultural Department,  
Secretariat, Fort St. George,  
Chennai - 9. ... (RR1 in Wps.15939 to 15946  
to 15954 of 2016)
2. The Commissioner of Agriculture,  
Chepauk, Chennai - 5. ... (R2 in Wps.15939 to 15946  
and 15948 to 15954 of 2016)
3. The Commissioner of Horticulture,  
Chepauk, Chennai - 5. ... R3 in WP.15939 of 2016 &  
15954 of 2016
4. The Chief Engineer (A.E),  
Agricultural Engineering Department, ... R3 in WP.15945/2016  
Chief Engineer's Office Complex,  
Nandanam, Chennai-35 ... R2 in WP.15947/2016

5. The Commissioner,  
Greater Chennai Corporation  
Ripon Building, Chennai-3

..R3 in WP.15949 &  
15950/2016

6. The Director,  
Department of Employment & Training,  
5, Alandur Road, Guindy,  
Chennai-32

..R3 in WP.15952/2016

7. The Director,  
Department of Employment & Training,  
Guindy, Chennai-32

..R3 in WP.15953/2016

Prayer in W.P.No.15939/16 & W.P.15954/16:-

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the third respondent to consider the petitioner's representation dated 29.03.2016 as per the G.O.(2D).No.19, dated 01.03.2016 passed by the Agricultural Department within a specific period as fixed by this court.

Prayer in W.P.No.15940/16 & 15951/16:-

Writ Petition No.15940 and 15951 of 2016 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 2nd respondent to consider the petitioner's representation dated 1.4.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specific period as fixed by this Honourable Court

सत्यमेव जयते

Prayer in W.P.Nos.15941/16 to 15943/16 & 15946/16:-

Writ Petition Nos.15941/16 to 15943/16 & 15946/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 2nd respondent to consider the petitioner representation dated 29.3.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.Nos.15944/16 & 15948/16:-

Writ Petition Nos.15944/16 & 15948/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 2nd respondent to consider the petitioner representation dated 31.3.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.Nos.15945/16 & 15947/16:-

Writ Petition Nos.15945/16 & 15947/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 7.4.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.No.15949/16:-

Writ Petition No.15949/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 22.03.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.No.15950/16:-

Writ Petition No.15950/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 23.03.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.No.15952/16:-

Writ Petition No.15952/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or

such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 09.04.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.No.15953/16:-

Writ Petition No.15953/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 05.04.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

Prayer in W.P.No.15954/16:-

Writ Petition No.15953/16 are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or such other appropriate writ, order or direction, directing the 3rd respondent to consider the petitioner representation dated 29.03.2016 as per G.O.(2D) No.19 dated 1.3.2016 passed by the Agricultural Department within a specified period as fixed by this Honourable Court

In W.P.No.15939/16

For petitioner : Mr.V.R.Venkatesan  
all Wps

For respondents : Mr.V.Jayaprakashnarayanan, Spl.GP  
for RR 1 & 2

No Appearance : For R3 (in WP.15939, 15945,  
15947, 15949, 15950, 15952,15953  
& 15954/16

#### COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the third respondent / the Commissioner of Horticulture, Chepauk, Chennai, to consider their respective representation as per the G.O.(2D).No.19, dated 01.03.2016 passed by the Agricultural Department.

2. Since the facts involved in all these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in **\*W.P.No.15939 of 2016** are stated below:-

The petitioner joined in the services of the Tamil Nadu State Farms Corporation (in short "Corporation") as Agricultural Assistant on 15.12.1977. However, after a period of 4 years and 8 months, he was ousted from the services on 31.08.1982 as the said Corporation was wound up. Thereafter, he was appointed as Assistant Agriculture Officer on 21.10.1982 and retired from the services as Deputy Horticulture Officer on 31.03.2010 on reaching the age of superannuation.

3. Now, the only grievance of the petitioners is that the services rendered by them in the Corporation are also to be counted along with the services rendered by them in the second respondent department for the purpose of counting pensionary benefits. It is also further stated that the said issue is also squarely covered in the order passed by this Court in W.P(MD). No.16055 of 2013, dated 17.02.2014 (P.Jayaraja and others v. the Agricultural Production Commission and Principal Secretary to Government, Chennai, and others), whereby this Court directed the first respondent therein to sanction the benefits granted in G.O.Ms.No.66, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003, to the petitioners therein.

4. It is stated by the learned Special Government Pleader appearing for the respondents, by filing a counter affidavit, that G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003, cannot be made applicable to the Agriculture Department. Secondly, it is further stated that the petitioners will have to exercise their option whether they are going to choose G.O.Ms.No.118, Finance (Pension) Department, dated 14.02.1996 or G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003.

5. The issue raised in these writ petitions is no longer res-integra, for, when similarly placed persons came up before this Court by filing a Writ Petition(MD).No.16055 of 2013 seeking to take into account their past services rendered in the erstwhile Corporation for the purpose of counting pension, this Court, vide its order dated 17.02.2014, directed the first respondent therein to sanction the benefits granted in G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003, to the petitioners therein by taking into consideration of their option in the light of the judgment of the Hon'ble Division Bench of this Court in W.A.No.302 of 2008, dated 18.07.2008. In obedience to the order passed by this Court, the first respondent has implemented the said direction vide G.O.(2D).No.19, dated 01.03.2016.

6. Therefore, in the light of the order passed by this Court as stated above, the respondents are directed to sanction the benefits granted in G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003, to the petitioners herein by taking into consideration of their option in the light of the judgment of the Division Bench of this Court in W.A.No.302 of 2008, dated 18.07.2008, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petitions stand disposed of. No Costs.

Sd/-

Assistant Registrar(CCC)

**\*Corrected as per order  
dated 21/03/2018 and made in  
WP.Nos15939 to 15954/16**

**-s/d-**

**Assistant Registrar(CCC)**

**dt 28/03/2018**

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Agricultural Production,  
Commissioner and Principal Secretary to Govt.  
Agricultural Department,  
Secretariat, Fort St. George, Chennai - 9.
2. The Commissioner of Agriculture,  
Chepauk, Chennai - 5. / To be Substituted to the  
order already despatched  
on 13/03/2018
3. The Commissioner of Horticulture,  
Chepauk, Chennai - 5.
4. The Chief Engineer (A.E),  
Agricultural Engineering Department,  
Chief Engineer's Office Complex,  
Nandanam, Chennai-35
5. The Commissioner,  
Greater Chennai Corporation  
Ripon Building, Chennai-3
6. The Director,  
Department of Employment & Training,  
5, Alandur Road, Guindy.  
Chennai-32

7. The Director,  
Department of Employment & Training,  
Guindy, Chennai-32

+16 cc to Mr.Mr.M.Saravana Kumar, Advocate, **sr \*21739**  
+1cc to the Government Pleader, S.R.No.13235

W.P.Nos.15939 to 15954 of 2016

RV(CO)  
NR/12/03/18  
aa28/03/2018



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