

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.33543 of 2016

K.Gopal

.. Petitioner

Vs

1.The Agricultural Production,  
Commissioner and Principal Secretary to Govt.,  
Agricultural Department,  
Secretariat, Fort St. George,  
Chennai - 9.

2.The Joint Director,  
Office of the Agricultural Department,  
Kancheepuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to consider the petitioner's representation dated 30.06.2016 as per the G.O.(2D)No.19, dated 01.03.2016 passed by the Agricultural Department within a specific period.

For petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.V.Jayaprakash Narayanan,  
Spl.GP

सत्यमेव जयते  
O R D E R

The petitioner has filed this writ petition seeking a direction to the second respondent / the Joint Director, Agricultural Department, Chennai, to consider his representation dated 30.06.2016 as per the G.O.(2D).No.19, dated 01.03.2016 passed by the Agricultural Department.

2. The petitioner joined in the services of the Tamil Nadu State Farms Corporation (in short "Corporation") as Store Keeper-cum-Clerk on 20.09.1975. However, after a period of 6 years and 10 months, he was ousted from the services on 31.08.1982 as the said Corporation was wound up. Thereafter, he

was appointed as Junior Assistant in the office of the Assistant Executive Engineer (Agricultural Engineering), Vellore, on 04.11.1982 and retired from the services as Depot Manager Grade-I on 30.06.2012 on reaching the age of superannuation.

3. Now, the only grievance of the petitioner is that the services rendered by him in the Corporation are also to be counted along with the services rendered by him 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 petitioner will have to exercise his option whether he is 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 this writ petition 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 petitioner herein by taking into consideration of his 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 petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS-viii)

//True Copy//

Sub Assistant Registrar

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To

1.The Agricultural Production,  
Commissioner and Principal Secretary to Govt.,  
Agricultural Department,  
Secretariat, Fort St. George,  
Chennai - 9.

2.The Joint Director,  
Office of the Agricultural Department,  
Kancheepuram.

+1cc to the Government Pleader, S.R.No. 13215

+1cc to Mr.M.LALBAGADHU, Advocate, S.R.No. 12765

W.P.No.33543 of 2016

SSD (CO)  
TR(08/03/2018)

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