

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.No.1274 of 2014
and
M.P.No.1 of 2014

The Government of Tamil Nadu
rep.by the Secretary to Government,
Agriculture (AU) Department,
Fort St George, Secretariat,
Chennai - 600 009.Appellant/Respondent

Vs.

1.S. Rajagopal
2.N. Senthilvinayagam
3.K. Balasubramanian
4.R. Rajamani
5.N. Ramachandran
6.B. Viswanathan
7.P. Maharajan (deceased)Respondents/Petitioners

8.The Tamil Nadu Agricultural University,
Coimbatore - 641 003
rep. by the Registrar
9.M.Jayalakshmi
10.Senthilrajan
11.VanithaRespondents/Respondents

(R9 to R11 brought on record as legal representatives of the deceased R7 (P.Maharajan) vide order of this Court dated 13.03.2018 made in C.M.P.Nos.12468 to 12470 of 2017.

Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court dated 28.11.2011 in W.P.No.12345 of 2003.

WP.No. 12345 of 2003:

calling for the records of the respondent 1 & 2 relating to Government Letter No.48405/AU/97-3 dated 25.2.98 Agriculture (AU) Department Dated 25.02.1998 and Proc.No.A7/8685/2002 dated 21.5.2002 respectively quash the same and issue consequential directions to the Respondents herein to grant revised scale of pay as per G.O.Ms.No.335 Finance (PC) Department dated

26/06/1997 with effect from 01/06/1998 to the Petitioners herein in the post of Assistant Coounts Officers in the Tamil Nadu Agricultural University with consequential service and monetary benefits.

For Appellant : Ms.A. Srijayanthi
Special Government Pleader

For Respondents : Mr.M. Ravi for R1 to R7

JUDGMENT

(Order of the Court was made by P.T. ASHA, J.,)

The above intra Court appeal arises at the instance of the Government of Tamil Nadu against the order in W.P.No.12345 of 2003.

2.The Writ Petition had been filed by the respondents 1 to 7 to quash the clarificatory order dated 21.05.2002 of the 8th respondent in and by which the 9th respondent herein had held that the request of the respondents 1 to 7 for revising the pay in the post of Assistant Accounts Officer with effect from 01.06.1988 as per the provisions in G.O.(Ms).No.335, Finance (Pay Cell) Department, dated 26.06.1997, would not be applicable to the Assistant Accounts Officer working in the 8th respondent University.

3.The Government by G.O.(Ms).No.335, Finance (Pay Cell) Department, dated 26.06.1997 had revised the pay of Assistant Accounts Officer in the various Government departments including the Veterinary University. The respondents 1 to 7 had retired from Tamilnadu Agricultural University and they were also similarly placed. However, the 8th respondent by the impugned letter had stated that the provisions of G.O.(Ms).No.335, Finance (Pay Cell) Department, dated 26.06.1997, are not applicable to the Assistant Accounts Officer working with them. This order was therefore challenged by the respondents 1 to 7 herein.

4.The learned Single Judge by order dated 28.11.2011 was pleased to allow the said Writ Petition. The learned Judge had taken note of the fact that the Assistant Accounts Officer of the Veterinary University which has been carved out from the 8th respondent University was enjoying the benefits of G.O.(Ms).No.335, dated 26.06.1997, whereas the respondents 1 to 7 have been deprived of the same. The learned Judge, while allowing the Writ Petition, had also directed the respondents to revise the pay including the payment of arrears, revision of pensionary benefits, etc., within a period of three months from the date of

receipt of a copy of the said order. Challenging the said order, the State has filed the above appeal.

5.The perusal of the order of the learned Single Judge would clearly show how the respondents have been deprived of the benefit of G.O.(Ms).No.335, dated 26.06.1997 which is made available to similarly placed persons in the Veterinary University. The Veterinary University was originally a part of the 8th respondent Unit and thereafter, been separated from the 8th respondent.

6.However, considering the fact that the respondents 1 to 7 have retired, it would suffice that the appellant herein consider their case and pass appropriate orders within a period of two months from the date of receipt of a copy of this Judgment. It is made clear that the respondents will not be entitled to any difference of pay and other benefits, in case the issue is decided in their favour.

With these observations, this Intra Court Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Secretary to Government,
Agriculture (AU) Department,
Fort St.George, Chennai-9.

2.The Registrar,
The Tamil Nadu Agricultural University,
Coimbatore - 641 003.

+1cc to Mr.M.Ravi, Advocate, S.R.No. 54991
+1cc to Mr.Abdul Saleem, Advocate, S.R.No. 55117
+1cc to the Government Pleader, S.R.No. 54983

W.A.No.1274 of 2014

and

M.P.No.1 of 2014

NR(CO)
GN(16/08/2019)