

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37558 of 2005

Dr.R.Madhavan

... Petitioner

vs.

1. The Commissioner of Agriculture,  
Chepauk,  
Chennai 600 005.
2. The Joint Director of Agriculture,  
O/o.The Joint Director of Agriculture,  
Dharmapuri - 636 705.
3. The Assistant Soil Chemist,  
O/o.The Asst. Soil Chemist,  
Soil Testing Laboratory,  
Dharmapuri - 636 701.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents to consider and pass an order on the Petitioner's representation dated 02.01.1998, 05.09.1998, 30.01.2003, last representation dated 18.07.2005 regarding arrears of salary and other allowances at the earliest point of time.

For Petitioner : No appearance  
for Mr.A.Ramadoss

For Respondents : Mr.K.Magesh,  
Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to consider and pass orders on his representations dated 02.01.1998, 05.09.1998, 30.01.2003 and 18.07.2005, regarding arrears of salary and other allowances.

2. According to the Petitioner, he joined the services of the Respondent Department as 'Agricultural Officer (Chemistry)' on 10.11.1989. He completed all his study courses successfully and submitted his thesis to the concerned authorities on 15.04.1997. However, he was allowed to join duty only on 05.05.1997 vide order dated 02.05.1997.

3. It is the case of the Petitioner that, he was deputed to pursue 'further studies' in Agriculture in the interest of public service and hence, he is entitled to the connected pay and allowances thereof as per the Rules in force. He made a representation to the Respondents as early as on 02.01.1998 claiming that, he is entitled for appropriate pay and allowances for a period of 19 days between 16.04.1997 and 04.05.1997.

4. It is seen that, the 2<sup>nd</sup> Respondent vide Letter dated 05.01.1998 to the Petitioner had stated that, he had recommended the Petitioner's representation to the 1<sup>st</sup> Respondent to take appropriate action. As no action was taken on his representation, the Petitioner made other representations to the Respondents on 16.10.1998, 05.09.1999, 30.01.2003 and 18.07.2005. Pending consideration of the said representations, the Petitioner is before this Court by way of the present Writ Petition.

5. The 3<sup>rd</sup> Respondent has filed counter for and on behalf of Respondents 1 and 2. For better appreciation, relevant portion of the same is extracted hereunder:

"3. Regarding para 4 of the Affidavit it is submitted that the Joint Director of Agriculture, Dharmapuri in his letter No' A,1/7588/97, dt. 02.05.1997 had issued the posting order to R. Madavan at Office of Assistant Soil Chemist, Soil Testing Lab, Dharmapuri, (copy of letter enclosed)' Accordingly Thiru. R. Madavan has joined as Agricultural officer at soil Testing Lab, Dharmapuri only on 05.05.1997 Thiru.R.Madavan was transferred to the office of Assistant Agricultural chemist, Pesticides Testing Lab, Aduthurai that he is entitled pay and allowance from 16.04.1997 to 09.05.1997 (19 days), the period from the date of completion of M.Sc. (Agri.) Course and the date of joining at Soil Testing Lab, Dharmapuri.

4. Regarding para 5 of the affidavit it is submitted that the petitioner has stated that there was delay in the issuing of posting

orders, is not correct and denied. It is only a regular administrative delay by the appointing authorities.

5. Regarding para 8 of the affidavit it is submitted that the petitioner has given representation to his immediate controlling officer for the payment of salary to the said period. The immediate controlling officer has forwarded his application to Joint Director of Agriculture, Dharmapuri for clarification and to get the order of regularization from Director of Agriculture, Chennai. The Joint Director of Agriculture, Dharmapuri had several correspondence with the Assistant Soil Chemist Soil Testing Lab Dharmapuri for getting certain particulars (viz) date of completion of M.Sc., (Agri. ) Course, allotment order of Director of Agriculture/Chennai, the date of relief from Joint Director of Agriculture/Coimbatore. After getting all the required particulars from the petitioner the Joint Director of Agriculture/Dharmapuri, in his letter No. 4.1125633102 dated 04.04.2006 has submitted a proposal to Commissioner of Agriculture, Chennai for treating the period as compulsory wait and for payment of salary to petitioner (copy of proposal enclosed)."

6. Learned Special Government Pleader appearing for the Respondents submitted that, the 2<sup>nd</sup> Respondent had forwarded the Petitioner's representation to the 1<sup>st</sup> Respondent for consideration and that, he is not aware as to whether the relief sought by the Petitioner has been granted.

7. It is seen that, the Petitioner has made a representation to the Respondents as early as on 02.01.1998 claiming entitlement of appropriate pay and allowances for a period of 19 days between 16.04.1997 and 04.05.1997. As no action was taken, the Petitioner made further representations to the Respondents on 16.10.1998, 05.09.1999, 30.01.2003 and 18.07.2005. In paragraph 4 of the counter filed by the 3<sup>rd</sup> Respondent, it is admitted that, the delay on the part of the Respondents in issuing posting orders to the Petitioner is due to administrative reasons. Hence, this Court is of the view that, the Petitioner is entitled to wages for a period of 19 days between 16.04.1997 and 04.05.1997, as the Petitioner is not guilty.

8. The present Writ Petition is of the year 2005 and it is pending for nearly 15 years. Mere disposal of the Writ Petition is not going to help anyone. Hence, this Court is of the view that, if the Petitioner's representation dated 02.01.1998 claiming entitlement of appropriate pay and allowances for a period of 19 days between 16.04.1997 and 04.05.1997 is not decided so far, the same shall be decided and monetary benefits for the said period shall be paid to him within 30 days from the date of receipt of a copy of this order, as the said period cannot be treated as break in service.

The Writ Petition is disposed of with the above direction.  
No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

1. The Commissioner of Agriculture,  
Chepauk, Chennai 600 005.
2. The Joint Director of Agriculture,  
O/o.The Joint Director of Agriculture,  
Dharmapuri - 636 705.
3. The Assistant Soil Chemist,  
O/o.The Asst. Soil Chemist,  
Soil Testing Laboratory,  
Dharmapuri - 636 701.

+1cc to the Government Pleader Sr.24668

W.P.No.37558 of 2005

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srg 21/08/2020