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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.25161 of 2011

Tamil Nadu Assistant Agricultural
Officers Association,
Rep. by its State President,
S.Esakimuthu
No:100, Soorappan Street,
Triplicane, Chennai-05.

... Petitioner

Vs.

1.The Secretary to Government,
Finance Department,
Fort St. George, Chennai - 9.

2.The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai - 9.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent to consider the representation submitted by the petitioner Association on 02.02.2011 and pass final orders on merits within a stipulated period.

For Petitioner : Mr.N.OM Prakash

For Respondents : Mr.K.Magesh

Special Government Advocate

ORDER

The prayer sought for herein is to issue a writ of mandamus to direct the first respondent to consider the representation submitted by the petitioner Association on 02.02.2011 and pass final orders on merits within a stipulated period.



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2.The members of the petitioner employees Association were working as Deputy Agricultural Officers and Assistant Agricultural Officers in the respondent Department.

3.Insofar as the alleged pay disparity, it seems that, they have given a representation as early as on 02.02.2011, where, they sought for fixation of grade pay of Rs.5100/-. The said representation since has not been considered, they approached this Court by filing the present writ petition with the aforesaid prayer.

4.Heard Mr.N.Om Prakash, learned counsel appearing for the petitioner, who would submit that, though the petitioner Association have given representation on 02.02.2011 i.e. before filing this writ petition, even till date the said representation was not considered and the pay anomaly fixed by the petitioner since is persisting, if a direction can be given atleast to consider and decide the petitioner's representation on merits within a time frame that may be fixed by this Court, the petitioner Association would be satisfied, he contended.

5.Heard Mr.K.Magesh, learned Special Government Pleader appearing for the respondents who would submit that, every time the pay fixation, as per the Pay Commission's recommendations to the Government servants, are made and therefore, in this regard, if at all the petitioner Association have any grievance with regard to fixation of pay especially grade pay and that is espoused in the said representation, certainly, the respondents would act upon the said representation on merits and in accordance with law.

6.In view of the aforesaid submissions made by the learned counsel appearing for both sides and taking into account the innocuous nature of the prayer sought for by the petitioner, this Court is inclined to dispose of this writ petition with the following order.

The first respondent is hereby directed to consider the representation of the petitioner dated 02.02.2011 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



7. With this direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary to Government,
Finance Department,
Fort St. George, Chennai - 9.
2. The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai - 9.

+1cc to Mr. R. Prem Narayan, Advocate Sr. 7957

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srg 08/04/2021