

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5645 of 2021

K.Ravichandran

... Petitioner

-vs-

1. The State Government of Tamil Nadu,
Represented by the Principal Secretary/
Agriculture Production Commissioner,
Secretariat, Fort St. George,
Chennai - 600 009.
 2. The State Government of Tamil Nadu,
Represented by the Secretary,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 3. The State Government of Tamil Nadu
Represented by the Secretary,
Personnal and Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 4. The Director,
Directorate of Agriculture,
Chepauk, Chennai 600 005.
 5. The Director,
Directorate of Agriculture marketing and Agri-Business,
Guindy, Chennai - 600 032.
 6. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C Nagar,
Park Town, Chennai - 600 003.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondent No.1 to revise the pay scale of the petitioner in the post of Assistant Agricultural Officer to Pay Band - 2

(Rs.9,300 - 34,800 + Grade Pay 4,200) within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.J.Pothiraj
Special Governmentleader
R1 to R5.
Mr.M.Loganathan for TNPSC.

O R D E R

This Writ petition is filed, seeking a direction to direct the 1st respondent to revise the pay scale of the petitioner in the post of Assistant Agricultural Officer to Pay Band - 2 (Rs.9,300 - 34,800 + Grade Pay 4,200) within the time stipulated by this Court.

2. Mr.J.Pothiraj, learned Special Government Pleader, takes notice for the respondents 1 to 5 and Mr.M.Loganathan, learned counsel takes notice for the 6th respondent. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that after studying his regular schooling upto Higher Secondary Course, he has completed 2 years diploma course in Agriculture and the 6th respondent issued the recruitment notification in Advertisement No.01/2015 dated 30.01.2015 for recruitment to the post of Assistant Agricultural Officer. Around 417 vacancies were notified and in the column for scale of pay it was mentioned as Rs.5,200-20,200/- (PB-2) + 2,800/- Grade Pay. As per Pay Band -2, the scale of pay is Rs.9,300 - 34,800 + Grade Pay 4,200. But it was wrongly mentioned in the Notification as Rs.5,200 - 20,200/- (PB-2) + 2,800/- Grade Pay. During the selection process it was informed that the actual Pay Band - 2 would be provided after the appointment orders are issued.

4. A similar issue was arisen for the post of Draughtsman Gr.III for revision of pay scale which is wrongly mentioned. The similarly placed Assistant Agricultural Officers have requested for the revision of pay scale and at last One Man Committee was formed and its report was forwarded to the Government. Hence, the petitioner has submitted his representation for revision of his pay scale.

5. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 31.12.2020, if he is otherwise eligible

and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner , as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 31.12.2020 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

kmm

To

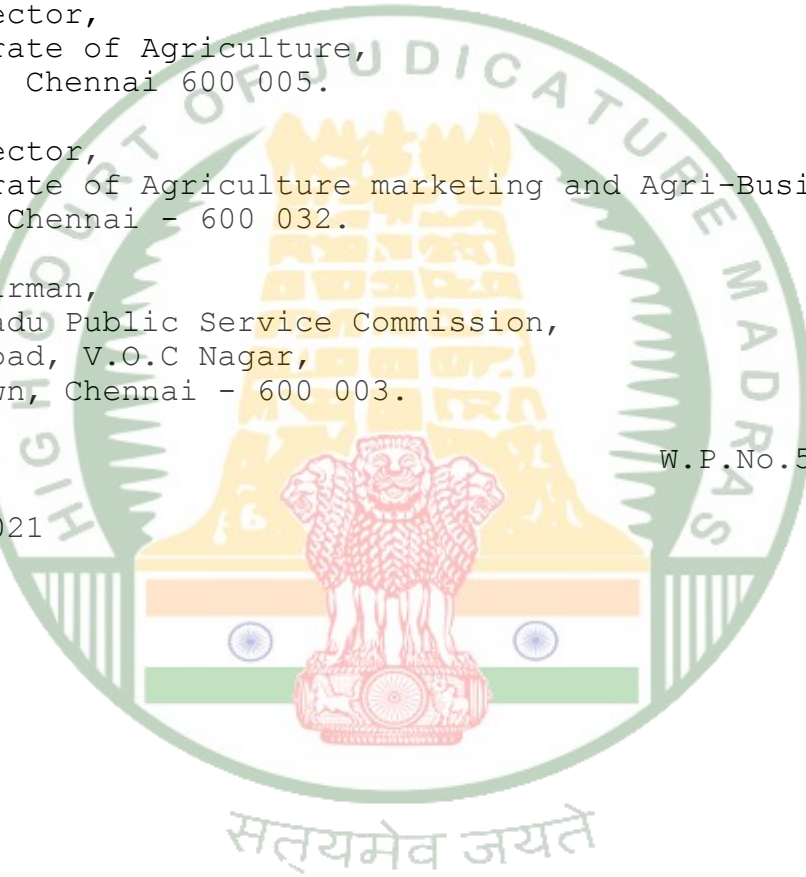
1. The Principal Secretary/
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SR-II (CO)
CSR 28.04.2021

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