



IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.6000, 6041,6044, 6046, 6048, 6049,
6050, 6052, 6053, 6055, 6056, 6058,
6061, 6062, 6064 & 6065 of 2021

- | | |
|---------------------|-----------------------------------|
| 1. G.Dhanasekaran | ...Petitioner in W.P.No.6000/2021 |
| 2. R.P.Elumalai | ...Petitioner in W.P.No.6041/2021 |
| 3. S.Palanivel | ...Petitioner in W.P.No.6044/2021 |
| 4. V.Manikandan | ...Petitioner in W.P.No.6046/2021 |
| 5. C.Subbu | ...Petitioner in W.P.No.6048/2021 |
| 6. P.Krishnamoorthy | ...Petitioner in W.P.No.6049/2021 |
| 7. L.Antony Samy | ...Petitioner in W.P.No.6050/2021 |
| 8. A.Venkatesan | ...Petitioner in W.P.No.6052/2021 |
| 9. V.Tamizharasu | ...Petitioner in W.P.No.6053/2021 |
| 10.K.Sakthivel | ...Petitioner in W.P.No.6055/2021 |
| 11.R.Murugan | ...Petitioner in W.P.No.6056/2021 |
| 12.N.Ranjithkumar | ...Petitioner in W.P.No.6058/2021 |
| 13.P.Periyasamy | ...Petitioner in W.P.No.6061/2021 |
| 14.K.Nandagopal | ...Petitioner in W.P.No.6062/2021 |
| 15.S.Venkatachalam | ...Petitioner in W.P.No.6064/2021 |
| 16.K.Sithaiyan | ...Petitioner in W.P.No.6065/2021 |

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,
Personnel 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 Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003. ...Respondents in all W.P.

Common Prayer : 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 Petitioners
in all W.Ps. : Mr.S.Louis

For Respondent : Mr.V.Jayaprakash Narayanan, (for R1 to R5)
in all W.Ps. Government Pleader
Mr.M.Loganathan (for R6)

COMMON ORDER

As the issue involved in the above Writ Petitions is one and the same, the cases are taken up for disposal by this common order.

2. The Writ petitions are filed, seeking a direction to Respondent No.1 to revise the pay scale of the petitioners in the post of Assistant Agricultural Officer to Pay Band - 2 (Rs.9,300 - 34,800 + Grade pay 4,200).

3. The learned counsel for the petitioners would submit that in similar circumstance, this Court in W.P.(MD) No.2407 of 2021 etc., batch case dated 10.02.2021, had directed the respondents to consider the representation of the petitioners therein, who are similarly placed like the petitioners herein.

4. In reply, Mr.V.Jayaprakash Narayanan, learned Government Pleader appearing for the respondents submitted that when similarly placed persons like petitioners approached this Court as early as in 2018, the request of the petitioners were directed to be considered by an order dated 22.03.2019 in W.P. (MD) No.20895 of 2019. However, pursuant to the order dated 22.03.2019, after careful examination, the Government has rejected the request of the petitioner vide G.O.(D) No.158, Agriculture (AA4 (2) Department, dated 11.09.2020.



6. The fact that the petitioners are Assistant Agricultural officers seeking demand of Pay Band-2 is not disputed. The respondents submitted that as per the notification issued during the appointment of the petitioners, the Pay Band was correctly fixed and the petitioners were wrong in seeking the aforesaid relief before this Court.

8. Considering the facts and circumstances of this Case, this Court is of the view that if the case of the petitioners are similar to that of the petitioners in W.P.(MD) No.20895 of 2019, the same yardstick may be applied while considering the representation of the petitioner after affording an opportunity to the petitioner. If the petitioners are placed in different manner, the request may be considered in accordance with law.

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioners dated 31.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

iii) In case the petitioners fail to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;



iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 31.12.2020 and this order, to the respondents forthwith;

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v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the petitioners, later on, will not take a plea that the petitioner is not aware of the order. If the petitioners still aggrieve, it is open to them to challenge the same in accordance with law. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

vum

To

- 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,
Personnel 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 Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

+1cc to the Government Pleader, S.R.No.15567

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PL(CO)
RVM(28/07/2021)