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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

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THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.13001 of 2020

(Through Video Conferencing)

V.Subburaj

... Petitioner

Vs

1.State of Tamilnadu

Rep by its Secretary-cum-Agricultural
Production Commissioner,
The Secretariat,
Cheapuk, Chennai - 5.

2.The Director of Agriculture,
Chepauk, Chennai - 5.

3.The Joint Director of Agriculture,
Thindalmedu, Vidyanagar,
Erode, Erode District.

4.The Accountant General
(Accounts & Entitlement),
No.361, Anna Salai, Teynampet,
Chennai - 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to send a revised proposal to the 1st respondent within time frame concerning loss of two increments to the petitioner as was granted to Assistant Seed Officers during the relevant time when the petitioner was promoted as Deputy Agricultural Officer in 2007, fix his consequent pension pay together with arrears of pension due to the petitioner w.e.f 01.10.2010 as even approved by the 2nd respondent in his Letter No.Ve Aa.Paal/58820/2011 dated 03.03.2015 besides directing the 1st respondent to ratify such revised proposal and revised pension pay payable by the 4th respondent office, namely Accountant General (Accounts and Entitlement) within the time.



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For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents: Mr.V.P.R.Elamparithi
Government Advocate for R1 to R3
M/s.C.Sangamithirai for R4

ORDER

The petitioner was serving as a Deputy Agricultural Officer and retired from service on 20.02.2014. The petitioner and few others were directly promoted to the post of Deputy Agricultural Officer by-passing the intermediate promotion as an Assistant Seed Officer from the post of Assistant Agricultural Officer.

2. It is the case of the petitioner that those Assistant Agricultural Officer who were promoted as Assistant Seed Officer and thereafter as Deputy Agricultural Officer have got three increments whereas persons like petitioner got only one increment. As a result of which, the petitioner was drawing lesser salary and has got lesser pension.

3. He submits that this anomaly was noticed by the Government in its proceedings dated 03.03.2015 and also in letter dated 11.12.2014 bearing reference No.3062/Ve.Ne4(2)/14-5 to rectify the same.

4. In the counter filed by the 3rd respondent, the respondents have stated that some of the employees pension proposals and the afore mentioned employee were sent to the Accountant General by the concerned Joint Directors of Agriculture, and the same was returned by the Accountant General as per Lr.No.PO7/5/10719739/ADK/229 dated 11.09.2018, on the ground that since the employees have retired from Government service necessary orders rectifying their pay on par with their Juniors will have to be issued only by the Government and only if such orders are issued by the head of departments then necessary ratification has been obtained from the Government and to be re-submitted for the pension proposal of such employees.

5. Considering the fact that the petitioner has been given low salary as he was directly promoted to the post of Deputy Agricultural Officer on account of the administrative reasons, the petitioner cannot be denied to pay on par with other employees who were promoted as Assistant Seed Officer and thereafter as Deputy Agricultural Officer. In fact, the issue is now covered by two decisions of this Court rendered in W.P. (MD).No.24838 of 2018 in the case of T.Sekar Vs. State of Tamilnadu and others and another decision of this Court rendered in W.P. (MD).No.1159 of 2020 in the case of K.Marimuthu Vs. The



Agricultural Production Commissioner and Principal Secretary to Government and others.

6. Taking into account of the fact, that the petitioner has already retired on 28.02.2014, the respondent Nos.2 & 3 are directed to send a proposal to the 1st respondent for rectifying anomaly in the pay of the petitioner. The 1st respondent shall be pass appropriate orders to effect necessary changes in the pay of the petitioner.

7. Under these circumstances, this writ petition stands disposed of by directing the respondent Nos.2 & 3 to send a proposal to the 1st respondent for effecting changes in the pay of the petitioner. This may be implemented by the 2nd and 3rd respondents within a period of four weeks from today. Thereafter, the 1st respondent/and the Government shall pass appropriate orders within a period of 60 days thereafter for being implemented by the 4th respondent without any delay.

8. Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary-cum-Agricultural
Production Commissioner,
State of Tamilnadu
The Secretariat,
Cheapuk, Chennai - 5.

2.The Director of Agriculture,
Chepauk, Chennai - 5.

3.The Joint Director of Agriculture,
Thindalmedu, Vidyanagar,
Erode, Erode District.



4.The Accountant General
(Accounts & Entitlement),
No.361, Anna Salai, Teynampet,
Chennai - 18.

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+1cc to the Government Pleader Sr.39720
+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate Sr.39267

W.P.No.13001 of 2020

ssd[col]
srg 27/08/2021