

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P.No.10990 of 2014

M.Karunanithi

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Poultry Development Corporation Ltd.,
O/o.The Director of Animal Husbandry &
Veterinary Services,
DMS Compound, Teynampet,
Chennai - 600 006.

2. The Director ,
Animal Husbandry and Veterinary Services,
DMS Compound, Teynampet,
Chennai - 600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to sanction selection grade scale of pay in the cadre of Assistant Manager with effect from 14.10.1997.

For Petitioner : Mr.M.S.Govindarajan

For Respondents: Mr.J.Ramesh

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to sanction selection grade scale of pay to the petitioner in the cadre of Assistant Manager with effect from 14.10.1997.

2.It is the case of the petitioner that he joined as Assistant Manager in the first respondent Department on 14.10.1987 and his services were regularized on 14.03.1988. According to him, after completion of 10 years of service, he was entitled for Selection Grade Scale of pay in the cadre of Assistant Manager with effect from 14.10.1997. Stating so, he made a representation to the first respondent on 21.04.1998 requesting to award Selection Grade scale of pay. Pending the

said representation, the Government vide G.O.Ms.No.86 Animal Husbandry and Fisheries Department dated 19.04.1999, decided to close down the operation of the Tamilnadu Poultry Development Corporation Ltd. (TAPCO) without detriment to the interest of the Government as well as the employees of the Corporation. Subsequently, the Government vide G.O.Ms.No.91 Animal Husbandry and Fisheries (TAPCO) Department dated 06.06.2000, transferring 139 employees including the petitioner, to the second respondent Department in the same scale of pay. Thereafter, the petitioner submitted several representations on 21.04.1998, 30.03.2010, 29.02.2012, 20.12.2012, 25.03.2013, 28.09.2013 and 06.01.2014, to the first respondent requesting to sanction Selection Grade Scale of pay. However, the said request was not considered till date. Hence, the present writ petition.

3. Upon notice, the respondents filed a detailed counter affidavit denying the claim of the petitioner. Reiterating the same, the second respondent sent a communication dated 26.02.1999 to the learned Government Pleader, wherein, it is categorically stated as follows:

"On perusal of record, it was found that the subject was placed in the 152nd Board Meeting of TAPCO held on 20.11.2000 by the former Director of TAPCO for sanction of selection grade to the respective employees of erstwhile TAPCO among other issues. After detailed deliberations, the board resolved that after lapse of nearly 20 years, the exercise of declaration of probation and regularization of service with retrospective effect at this junction, is not practical. Therefore, after careful consideration, the board resolved to drop further action in this matter. As such, the petitioner's representation for sanction of selection grade was not considered by the erstwhile corporation. In the circumstances, no action could be taken by the Animal Husbandry Department at this junction after a lapse of 14 years.

I wish to state further that Director of Animal Husbandry and Veterinary Services vide proceedings No.12217/R1/2003 dated 28.11.2013 has awarded selection grade to petitioner with effect from 19.10.2000 for the services rendered in the Animal Husbandry Department and selection grade pay was sanctioned to the petitioner. The petitioner was retired on 31.01.2014. For the qualifying service including the TAPCO services, all the pensionary benefits were sanctioned to the petitioner."

4. Refuting the aforesaid averments made on the side of the respondents, the learned counsel for the petitioner drew the

attention of this Court to the additional documents filed in the form of typed set and submitted that similarly placed persons were granted selection grade scale of pay vide G.O.Ms.No.236, Animal Husbandry and Fisheries Department, dated 13.09.2013 and hence, the claim of the petitioner may be directed to be considered by the second respondent in the light of the said Government Order.

5.The learned Additional Government Pleader appearing for the respondents has no serious objection for granting such relief to the petitioner.

6.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, the second respondent is directed to reconsider the claim of the petitioner and pass appropriate orders on merits and in accordance with law and also in the light of G.O.Ms.No.236, Animal Husbandry and Fisheries Department, dated 13.09.2013, within a period of eight weeks from the date of receipt of a copy of this order.

7.Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Managing Director,
Tamil Nadu Poultry Development Corporation Ltd.,
O/o.The Director of Animal Husbandry &
Veterinary Services,
DMS Compound, Teynampet, Chennai - 600 006.
2. The Director ,
Animal Husbandry and Veterinary Services,
DMS Compound, Teynampet, Chennai - 600 006.

+1 cc to M/S.D.Soundar Raj, Advocate SR No.2232

+1 cc to The Government Advocate Sr No.2247

W.P.No.10990 of 2014
18.01.2021

GMI (CO)
RG.28.04.2021 (3P.5C)