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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.19952 OF 2021

P.Arunachalam

...Petitioner

Vs

1. State of Tamil Nadu,
Rep by its Secretary-cum-
Agricultural Production Commissioner,
The Secretariat, Chepauk,
Chennai - 600 005.
2. The Director of Agriculture,
Chepauk, Chennai - 600 005.
3. The Director of Marketing,
Department of Agriculture,
Chennai - 600 032.
4. The Accountant General (A & E)
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent to send the revised pension proposal of the petitioner in terms of his proceedings dated 24.05.2018 vide Se.mu.Aa.No.Ve.APa/1/7992/2016 to the 1st respondent for granting approval for payment of revised pension pay with arrears in that behalf with effect from 1.1.2010 on a par with his said junior Mr.P.T.Manimaran, Deputy Agricultural Officer (Retd) besides directing the 3rd and 4th respondents to release the revised pension pay with arrears to the petitioner within time frame.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.L.S.M.Hasan Fizal G.A.
for R1 to R3

Mr.V.Vijay Shankar for R4



ORDER

The petitioner was appointed as Assistant Agricultural Officer and was directly promoted as Deputy Agricultural Officer instead of being promoted as Assistant Seed 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. This has resulted in pay anomaly.

3. Pay anomaly has been rectified and the arrears has been paid to the petitioner. However, the impact of the anomaly has not been rectified for the payment of the pension in terms of benefits.

3. Considering the same, this court is inclined to dispose this writ petition by directing the respondents to rectify the pension payable to the petitioner in the light of the decisions of this Hon'ble Court in W.P.No.13001 of 2020 dated 10.08.2021 and another order in W.P.No.18101 of 2020 dated 24.08.2021 within a period of eight weeks from the date of receipt of copy of this order. In WP.No.13001 of 2020 para 5 to 8 it was held as under:-

"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 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 and 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



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petition stands disposed of by directing the respondent Nos.2 and 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."

4. This Writ Petition stands disposed of with the above observations.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

drl

To

1. The Secretary-cum-Agricultural Production Commissioner,
State of Tamil Nadu,
The Secretariat, Chepauk,
Chennai - 600 005.
2. The Director of Agriculture,
Chepauk, Chennai - 600 005.
3. The Director of Marketing,
Department of Agriculture,
Chennai - 600 032.
4. The Accountant General (A & E)
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate, S.R.No.48325
+1cc to the Government Pleader, S.R.No.48518

W.P.No.19952 of 2021
(2/4)

GPL(CO)
PM/29/10/2021