



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22711 of 2021

(Through Video Conferencing)

B.K.Rajkumar

...Petitioner

Vs

1.State of Tamil Nadu,
Represented by its Secretary-cum-Agricultural
Production Commissioner,
The Secretariat, Chepauk,
Chennai - 5.

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

3.The Joint Director of Agriculture,
Office of the District Collector,
5th Floor, Thiruppur District - 4.

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

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to send a revised proposal to the first respondent as regards the revised pay and revised pension pay of the petitioner with arrears with effect from 01.01.2010 on par with his junior Mr.B.T.Manimaran, as ordered in W.P.No.13001 of 2020, so as to enable the first respondent to ratify such proposal within time frame besides directing the third and fourth respondents to implement the same.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents :
For R1 to R3 : Mr.L.S.M.Hasan Fizal
Government Advocate
For R4 : Mr.Vijay Shankar



ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to third respondents and Mr.Vijay Shankar, learned counsel takes notice on behalf of the fourth respondent.

2. The learned Government Advocate for the first to third respondents submits that the issue is now covered by an order of this Court dated 10.08.2021 passed in W.P.No.13001 of 2020. The operative portion from the said order reads 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 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."



3. The second respondent shall send the revised pension proposal of the petitioner to the first respondent for grant of approval for payment of revised pension pay with arrears in that behalf with effect from 01.01.2010 on par with the petitioner's junior Mr.P.T.Manimaran, Deputy Agricultural Officer (Retired) within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall thereafter pass appropriate orders within a period of four weeks. The third and fourth respondents are directed to release the revised pension pay with arrears to the petitioner within a period of four weeks thereafter.

4. This writ petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

arb

To

1.The Secretary-cum-Agricultural
Production Commissioner,
Government of Tamil Nadu,
The Secretariat, Chepauk,
Chennai - 5.

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

3.The Joint Director of Agriculture,
Office of the District Collector,
5th Floor, Thiruppur District - 4.

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

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate SR. No.54714
+1cc to Government Pleader SR. No.55372

W.P.No.22711 of 2021

PMK (CO)
PR (13/12/2021)