



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

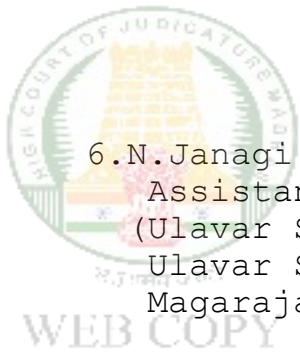
DATED: 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3510 of 2021

- 1.M.Manikandan Ulaganathan,
Assistant Agricultural Officer,
(Headquarters; Karungkulam)
O/o. Deputy Director of Agriculture
(Agriculture business),
Ulavar Santhai inside,
Near New Bus Stand,
Thoothukudi District.
- 2.P.Nallathambi,
Assistant Agricultural Officer,
(Headquarters; Allvaar Thirunagari)
O/o. Deputy Director Office of Agri Business
Ulavar Santhai inside,
Near New Bus Stand,
Thoothukudi District.
- 3.M.Muthuraj
Assistant Agricultural Officer,
(Headquarters; Pappakkudi)
O/o. Deputy Director Office of Agri Business
(Agriculture business & Marketing),
Palayamkottai,
Tirunelveli District.
- 4.E.Esakkimuthu,
Assistant Agricultural Officer,
(Headquarters; Munainchipatti)
O/o. Assistant Director of Agriculture Office,
Nanguneri Block, Tirunelveli District.
- 5.P.Uththaman,
Assistant Agricultural Officer,
(Ulavar Santhai)
O/o. Deputy Director Office of Agri Business
Palayamkottai,
Magaraja Nagar,
Tirunelveli District.



- 6.N.Janagi Raman
Assistant Agricultural Officer,
(Ulavar Santhai)
Ulavar Santhai, Palayamkottai,
Magaraja Nagar, Tirunelveli District.
- 7.S.Arunachalam,
Assistant Agricultural Officer,
(Headquarters; Earvadi),
O/o. Assistant Director of Agriculture Office,
Kalakkadu Block, Tenkasi District.
- 8.L.Petchiappan,
Assistant Agricultural Officer,
O/o. Assistant Director of Agriculture Office,
Kadayam Block, Tenkasi District.
- 9.E.Kamalrajan
Assistant Agricultural Officer,
O/o.Assistant Director of Agriculture Office,
Kadayam Block, Tenkasi District.
- 10.M.Karuppasamy,
Assistant Agricultural Officer,
O/o. Assistant Director of Agriculture Office,
Kadayanallur Block, Tenkasi District.
- 11.B.Selvaraj,
Assistant Agricultural Officer,
O/o. Assistant Director of Agriculture Office,
Kadayanallur Block, Tenkasi District.
- 12.S.Nainar,
Assistant Agricultural Officer,
O/o. Assistant Director of Agriculture Office,
Vasudevanallur Block, Tenkasi District.
- 13.K.Krishnamoorthi,
Assistant Agricultural Officer,
O/o. Assistant Director of Agriculture Office,
Kadayam Block, Tenkasi District.
- 14.P.Ganeshan,
Assistant Agricultural Officer,
Government Coconut Seeding Farm
O/o. Assistant Director of Agriculture Office,
Andipatti, Theni District.



15.P.Gokul,
Assistant Agricultural Officer,
(Headquarters; Mookkanangkuruchi),
O/o. Assistant Director of Agriculture Office,
Thanthoni Block, Karur District.

16.E.Muthiah,
Assistant Agricultural Officer,
(Headquarters; M.Kallupatti)
O/o. Assistant Director of Agriculture Office,
Setapatti Block, Madurai District.

17.S.Asaitambi,
Assistant Agricultural Officer,
(Ulavar Santhai),
O/o. Deputy Director Office of Agri Business,
Madurai District.

18.L.Muthamilselvan,
Assistant Agricultural Officer,
(Headquarters; Athanoor),
O/o. Assistant Director of Agriculture Office,
Tharagampatti Block, Karur District.

...Petitioners

Vs.

1.Additional Chief Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Agriculture Production Commissioner/
Principal Secretary to Government,
Agriculture Department,
Fort St.George, Chennai-600 009.

3.The Director of Agriculture,
Chepauk, Chennai-600005.

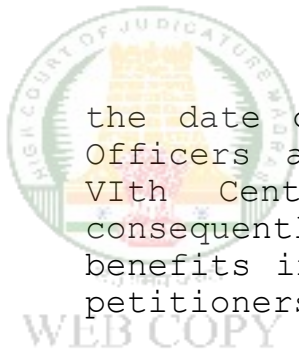
4.The Director of Horticulture,
Chepauk, Chennai-600 005.

5.The Director of Agricultural Marketing & Agri Business,
Thiru V.K.Industrial Estation,
Gundy, Chennai-600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-fix the petitioners basic pay at Rs.7440 instead of Rs.5200 from

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the date of joining of the petitioners as Assistant Agricultural Officers and Assistant Horticultural Officers in accordance with VIth Central Pay Commission entry pay fixation method and consequently, direct the respondents to grant all consequential benefits including arrears of pay and allowances by considering the petitioners representation dated 30.01.2021.

For Petitioners : Mr.M.Vallinayagam, Senior Counsel
for Mr.M.Gnanagurunathan
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioners' request to the respondents to re-fix their basic pay at Rs.7440/- instead of Rs.5200/- from the date of their joining as Assistant Agricultural Officers and Assistant Horticultural Officers in accordance with VIth Central Pay Commission entry pay fixation method and to grant all consequential benefits including arrears of pay and allowances was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard on 30.01.2021, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioners' representation dated 30.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.Accordingly, there shall be a direction to the first respondent to consider the petitioners' representation dated 30.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

CP

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional Chief Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Agriculture Production Commissioner/
Principal Secretary to Government,
Agriculture Department,
Fort St.George, Chennai-600 009.
- 3.The Director of Agriculture,
Chepauk, Chennai-600005.
- 4.The Director of Horticulture,
Chepauk, Chennai-600 005.
- 5.The Director of Agricultural Marketing & Agri Business,
Thiru V.K.Industrial Estation,
Gundy, Chennai-600 032.

+1CC to Mr.M.GNANAGURUNATHAN, Advocate (SR-6900[F] dated 24/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-7242[F] dated 25/02/2021)

Order made in
W.P. (MD) No.3510 of 2021
24.02.2021

ES (CO)

SRS (11/03/2021) 5P : 8C

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