



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4535 of 2021

1. R.Raja
2. R.Annadurai
3. A.Sowdupandi
4. M.Devendhiran
5. A.Rosario
6. N.Gopinathan
7. K.Manimaran
8. T.Ramesh
9. A.Murali
- 10.P.Sakthivel
- 11.P.Rajivgandhi
- 12.R.Rajasekar
- 13.M.Soundararaj
- 14.S.Ragupathy
- 15.A.Annamalai
- 16.A.Thirusangu
- 17.P.Kumaresan
- 18.M.Gopinath
- 19.V.Krishnasamy
- 20.R.Lakshmanan
- 21.S.Navaneethan
- 22.M.Munichami
- 23.K.Muthu Veeru Chinnu
- 24.R.Sankar
- 25.A.Tamilselvan
- 26.S.Srikanth
- 27.K.Thamotharan

... Petitioners

Vs.

1. The Additional Chief Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamilnadu,
Fort St.George, Chennai-600 009.
2. The Agriculture Production Commissioner/
Principal Secretary to Government,
Agriculture Department,
Fort St.George, Chennai-600 009.

<https://hcservices.courts.gov.in/Govsec>



3. The Director of Agriculture,
Chepauk, Chennai-600 005.

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

5. The Director of Agricultural Marketing & Agri Business,
Thiru.V.K.Industrial Estate,
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 as Rs.7440/- instead of Rs.5,200 from 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 petitioner's representation dated 05.02.2021.

For Petitioners : 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 the petitioners basic pay as Rs.7,440/- instead of Rs.5,200/- from 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 was not considered, the Writ Petition has been filed. According to the petitioners, they have made the representations in this regard on 05.02.2021, which are 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. 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 third respondent herein to consider the petitioners' representations dated 05.02.2021, 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 petitioners 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 third respondent to consider the petitioners' representations dated 05.02.2021, 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 (CO)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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 Tamilnadu,
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,
Chennai-600 005.

<https://hcservices.tn.gov.in/hcservices/records.pdf>



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

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

+1 CC to Mr.M.GNANAGURUNATHAN, Advocate (SR-9262[F] dated 05/03/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-9497[F] dated 08/03/2021)

CP

TE : 16/03/2021 : 4P/8C

W.P.(MD) No.4535 of 2021
05.03.2021