



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.5400 of 2021

M.Nagathevan

...Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Department of Agriculture,
Secretariat, Chennai - 600 009.

2.The Accountant General (Accounts & Entitlement),
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

3.The Director of Horticulture,
Ezhilagam, Chepauk,
Chennai - 600 005.

4.The Deputy Director of Horticulture,
Agricultural Engineering Complex,
Theni - 625 531.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent i.e. the Director of Horticulture, Chennai, to get the ratification of the Government for fixing the petitioner's pay on par with his junior as per proceedings Sea.Mu.Aa.No.VeaAPa1/131465/2015, dt 13.06.2018, of the Director of Agriculture, Chennai and as per proceedings No.Sea.Mu.Aa.No.A1/433/2015(5) dt 27.07.2018 of the Deputy Director of Horticulture, Theni and to resubmit the proposals to the Accountant General, Chennai, within a specified time frame and on receipt of the revised proposals, the Accountant General, Chennai, shall arrange to disburse the revised pensionary benefits within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Viswalingam

For Respondents : Mr.S.Dayalan for RR1, 3 & 4
Government Advocate

Ms.S.Mahalakshmi for R2

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.The petitioner has filed the present writ petition to direct the 3rd respondent i.e. the Director of Horticulture, Chennai, to get the ratification of the Government for fixing the petitioner's pay on par with his junior as per proceedings Sea.Mu.Aa.No.VeaAPa1/131465/2015, dt 13.06.2018, of the Director of Agriculture, Chennai and as per proceedings No.Sea.Mu.Aa.No.A1/433/2015(5) dt 27.07.2018 of the Deputy Director of Horticulture, Theni and to resubmit the proposals to the Accountant General, Chennai, within a specified time frame and on receipt of the revised proposals, the Accountant General, Chennai, shall arrange to disburse the revised pensionary benefits. He has made a representation in this regard to the respondents.

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 petitioner's representation in the light of the proposal sent by the Deputy Director of Horticulture, Theni, 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 petitioner's representation, in the light of the proposal sent by the Deputy Director of Horticulture, Theni, dated 27.07.2018, 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-III)

// 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 Agricultural Production Commissioner and
Principal Secretary to Government,
Department of Agriculture,
Secretariat,
Chennai - 600 009.
- 2.The Accountant General (Accounts & Entitlement),
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.
- 3.The Director of Horticulture,
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Chepauk,
Chennai - 600 005.
- 4.The Deputy Director of Horticulture,
Agricultural Engineering Complex,
Theni - 625 531.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-10808[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-11176[F] dated 15/03/2021)

W.P. (MD) No.5400 of 2021
11.03.2021

mj (CO)
TR(07.04.2021) 3P 7C