



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6172 of 2021

E.Ramakrishnan

...Petitioner

Vs.

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

2.The Director of Agriculture,
Ezhilagam,
Chepauk, Chennai - 600 009.

3.The Joint Director of Agriculture,
Perum Thitta Vilagam,
Near Collectorate Backside,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents i.e. The Director of Agriculture, Chennai and The Joint Director of Agriculture, Theni to send revised pay fixation proposals in the cadre Deputy Agricultural Officer on par with the petitioners junior Thiru.P.T.Manimaran as per the detailed guidelines issued by the Government in Government Letter no. 22508/FR-I/2019-1 dt 3.9.2019 and as per the instruction contained in Para 12 of the G.O.(2D) no. 49 Agriculture AA4(2) Dept., dated 26.02.2021, within a specified time frame and on receipt of it the 1st respondent i.e The Agricultural Production Commissioner and Principal Secretary to Government Agriculture Department, Chennai to pass appropriate orders for sending revised pension proposals to the Accountant General, Chennai, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Viswalingam

For Respondents : Mr.P.Kannithevan

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.This writ petition has been filed to direct the 2nd and 3rd respondents to send revised pay fixation proposals in the cadre Deputy Agricultural Officer on par with the petitioner's junior Thiru.P.T.Manimaran as per the detailed guidelines issued by the



Government in Government Letter no. 22508/FR-I/2019-1 dt 3.9.2019 and as per the instruction contained in Para 12 of the G.O.(2D) no. 49 Agriculture AA4(2) Dept., dated 26.02.2021, within a specified time frame and on receipt of it, the 1st respondent to pass appropriate orders for sending revised pension proposals to the Accountant General, Chennai, within a specified time frame. The petitioner has sent representations to the respondents in this regard on 04.09.2020 and 29.12.2020.

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 respondents herein to consider the petitioner's representations dated 04.09.2020 & 29.12.2020, 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 respondents to consider the petitioner's representations dated 04.09.2020 & 29.12.2020, 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 (CSII)

// 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,
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Secretariat, Chennai - 600 009.

2.The Director of Agriculture,
Ezhilagam,
Chepauk, Chennai - 600 005.

3.The Joint Director of Agriculture,
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Near Collectorate Backside,
Theni.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-12477[F] dated
19/03/2021)

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SRK (CO)
KB (19.04.2021) 3P 5C