



WEB COPY

W.P.(MD) No.17298 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.17298 of 2021

T.Sehar

... 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 Agriculture,
Ezhilagam,
Chepauk,
Chennai - 600 005.

4.The Joint Director of Agriculture,
Melakanmoi Street,
Tallakulam,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent i.e., the Director of Agriculture, Chennai who has refused the petitioner's pay in his letter செ.மு.ஆ.எண்.வேஅய/132189/2015-1 நாள் : 30.04.2018 to get the ratification order of the Government as per Accountant General, Chennai's Letter No.P07/6/10720582/ADK/916 dated 18.01.2019 and to send revised pension proposals within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Shanmugavel,

Standing Counsel for State

ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the third respondent i.e., the Director of Agriculture, Chennai who has refused the petitioner's

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pay in his letter செ.மு.ஆ.எண்.வேஅய/132189/2015-1 நாள் : 30.04.2018 to get the ratification order of the Government as per Accountant General, Chennai's Letter No.P07/6/10720582/ADK/916 dated 18.01.2019 and to send revised pension proposals within a specified time frame that may be fixed by this Hon'ble Court.

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2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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

4. According to the petitioner, he retired as Deputy Agriculture Officer on reaching the age of superannuation on 30.11.2013 and getting monthly pension also. Since there was anomaly occurred while revising his scale of pay in the post of Deputy Agriculture Officer as his junior was getting more pay than him with effect from 01.01.2010. Subsequently, vide proceedings dated 30.04.2018, the Director of Agriculture, Chennai/ the third respondent herein has refixed the petitioner's scale of pay, but no ratification order of the Government for refixation was obtained and hence, the Accountant General, Chennai has returned the proposals for getting ratification of the Government. Hence, the Writ Petition.

5. When this Writ Petition is taken up for consideration, the learned Standing counsel for the respondents would submit that 3rd respondent has already submitted the proposals to the 1st respondent and the 1st respondent has to pass necessary orders.

6. It is not in dispute that there was pay anomaly and the Government vide letter dated 11.12.2014 accepted the same and issued direction to the 3rd respondent to refix the pay of the petitioner herein and based on the said orders of the Government, the 3rd respondent has also refixed the scale of pay. Since no ratification orders was obtained from the Government, the 2nd respondent has returned the proposal. Therefore, now it is for the 1st respondent to consider the matter and pass appropriate orders of ratification. If still no proposals were submitted, the 3rd respondent is directed to send the proposal to the 1st respondent and on such proposals being submitted by the 3rd respondent, the 1st respondent is directed to consider the same and pass appropriate orders of ratification, within a period of six weeks from the date of receipt of a copy of this order and after getting ratification orders, the first respondent is directed to send revised pension proposals to the 2nd respondent within a period of six weeks thereafter.



7. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

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3.The Director of Agriculture,
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+1 CC to M/s.SPL.GP (SR-31749[F] dated 08/10/2021)

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SRR(CO)
KB(01.11.2021) 3P 6C