



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

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

W.P. (MD) No.17234 of 2021

R.Mariappan

... Petitioner

vs.

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

2.The Director of Horticulture and Hill Crops,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Deputy Director of Horticulture,
"B" Colony,
Near EPF Regional Office,
Tirunelveli.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, by directing the second respondent i.e., the Director of Horticulture and Hill Crops, Chennai to refix the petitioner's scale of pay in the cadre of Deputy Horticulture Officer as per the proposals sent by the Deputy Director of Horticulture, Tirunelveli in his letter கடித.எண்.அ1/1591/2021 நாள் : 19.04.2021 as per Government letter No.22508/FR-I/2019-1 dated 03.09.2019 and get the ratification from the Government and to send revised pension proposals to the Accountant General, Chennai within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.K.Manikkam,

Standing Counsel for State

ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the second respondent i.e., the Director of Horticulture and Hill Crops, Chennai to refix the petitioner's scale of pay in the cadre of Deputy Horticulture Officer as per the proposals sent by the Deputy Director of Horticulture, Tirunelveli in his letter கடித.எண்.அ1/1591/2021 நாள் : 19.04.2021 as per Government letter No.22508/FR-I/2019-1 dated 03.09.2019 and get the ratification from the Government and to send revised pension proposals to the Accountant General, Chennai within a specified time frame that may be fixed by this Hon'ble Court.



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.

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4. According to the petitioner, he retired as Deputy Horticulture Officer on reaching the age of superannuation on 31.05.2018 and getting monthly pension also. Since there was anomaly occurred while revising his scale of pay in the post of Deputy Horticulture Officer as his junior was getting more pay than him with effect from 01.01.2010. Subsequently, vide proceedings dated 19.04.2021, the third respondent has sent proposals to the Director of Horticulture and Hill Crops, Chennai to refix the petitioner's scale of pay. But the Director of Horticulture and Hill Crops, Chennai has not yet refixed the petitioner's scale of pay and no ratification orders of the Government for refixation of scale of pay of the petitioner was obtained. 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 2nd respondent and the second 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 a direction to the second respondent to refix the scale of pay of the petitioner herein and based on the said orders of the Government, the 3rd respondent has also sent the proposals to the second respondent to refix the scale of pay of the petitioner. But the said proposals are still pending with the second respondent. Therefore, the second respondent is directed to forward the proposals submitted by the third respondent to the first respondent within a period of six weeks from the date of receipt of a copy of this order. The first respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of six months 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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