



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.17960 of 2021

S.Palanichamy

... 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 Deputy Director of Horticulture,
Collectorate Complex,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent i.e., the Director of Agriculture, Chennai who has refused the petitioner's pay in his proceedings செ.மு.ஆ.எண்.வேஅப1/148245/2015 நாள் : 20.07.2018 to get the ratification order of the Government as per the Accountant General, Chennai Letter No.P07/3/10722900/ADK/789 dated 02.12.2019 and to send the revised Pension proposals within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Shanmugavel
Standing Counsel.



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 refixed the petitioner's pay in his proceedings செ.மு.ஆ.எண்.வேஅப1/148245/2015 நாள் : 20.07.2018 to get the ratification order of the Government as per the Accountant General, Chennai Letter No.P07/3/10722900/ADK/789 dated 02.12.2019 and to send the revised Pension proposals within a specified time frame, that may be fixed by this 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.

4. According to the petitioner, he retired as Deputy Horticulture on reaching the age of superannuation on 31.03.2016 and getting monthly pension also. Since there was anomaly occurred while revising his scale of pay in the post of Deputy Horticulture as his junior was getting more pay than him with effect from 01.01.2010. Subsequently, vide proceedings dated 20.07.2008, the Director of Agriculture, Chennai has refixed the petitioner's scale of pay, but no ratification 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 on merits 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, 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 (W)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Agriculture,
Ezhilagam, Chepauk,
Chennai - 600 005.

4.The Deputy Director of Horticulture,
Collectorate Complex,
Dindigul.

+1 CC to M/s.SPL.GP (SR-31735[F] dated 08/10/2021)

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MGJ/UV(29.10.2021) 3P 6C