



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.21629 of 2021

M.Muruganandam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Agricultural Production Commissioner,
And Secretary to Government,
Agriculture and Farmers' Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

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

3. The Accountant General (A & E),
No.361, Anna Salai,
Chennai - 600 018.

4. The Deputy Director of Agriculture,
(Agri Business),
Dindigul - 624 004.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to consider the representations dated 18.07.2019 and 27.01.2020 and directing the first respondent to pass ratification orders on fixation of pay on par with the petitioner's junior, as per proceedings No.AOS/1/26292/2017, dated 30.04.2018 of the second respondent and on par with the relief granted to similarly situated persons vide G.O.(2D) No.49, Agriculture AA4(2) Department, dated 26.02.2021 and to send revised pension proposal to the third respondent, within a specified time frame fixed by this Court.

For Petitioner	:	Mr.T. Arul
For R1, R2 & R4	:	Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	:	Mr.R.Gunasekaran

O R D E R

This Writ petition is filed for a Mandamus, to direct the first respondent to pass ratification orders on fixation of pay on par with the petitioner's junior, as per proceedings No.AOS/1/26292/2017, dated 30.04.2018, based on his representations dated 18.07.2019 and 27.01.2020.



2. The learned counsel for the petitioner submits that the petitioner was initially appointed as Assistant Agriculture Officer by direct recruitment in the second respondent's Department and subsequently, he was promoted as Deputy Horticultural Officer in the fixed pay of Rs.20,310/- in the pay band Rs.9300 - 34800 + 4700 grade pay. According to the petitioner, there was a pay anomaly and the juniors are getting more pay than the seniors in the post of Deputy Agriculture Officer and the petitioner, in this regard has made representations, even before his retirement. The second respondent has also rectified the anomaly, by proceeding in AOS 1/269217/, dated 30.04.2018. Consequently, the first respondent vide letter No.3062/AA4/[2]/2013, dated 11.04.2014, fixed the pay on par with his junior. The petitioner, thereafter, retired from service on attaining the age of superannuation on 31.10.2016, as Deputy Agricultural Officer and he was also paid with the arrears till the date of his retirement. But the same has not been taken into account for fixation of pensionary benefits. In this regard, though he has made representations to the first respondent, the same was not considered so far. Therefore, the petitioner has come before this Court, with the present writ petition.

3.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1, 2 & 4, submits that the fourth respondent has already sent a proposal to the first respondent and a direction may be given to the first respondent to consider and take decision on the proposal.

4.Considering the nature of relief sought for by the petitioner and taking into consideration of the fact that the second respondent has also rectified the anomaly, by proceeding in AOS 1/269217/, dated 30.04.2018 and the proposal has already been sent by the fourth respondent to the first respondent, there shall be a direction to the first respondent to take a decision on the proposal made by the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

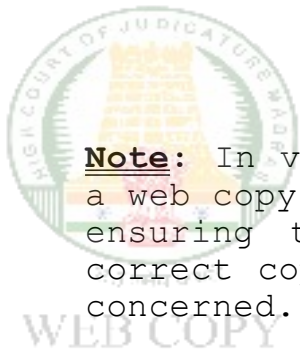
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Sub Assistant Registrar(CS)

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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 Secretary to Government,
Agriculture and Farmers' Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Director of Agriculture,
Chepauk,
Chennai - 600 005.
3. The Accountant General (A & E),
No.361, Anna Salai,
Chennai - 600 018.
4. The Deputy Director of Agriculture,
(Agri Business),
Dindigul - 624 004.

+1 CC to M/s.SPL GP (SR-37605[F] dated 07/12/2021)

+1 CC to M/s.T.ARUL, Advocate (SR-37785[F] dated 08/12/2021)

Order made in
W.P(MD) No.21629 of 2021

06.12.2021

USK (30.12.2021) 3P 7C