



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.12.2021**

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) .No.10073 of 2016

N.Krishnasamy

...Petitioner

Vs.

1.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai-600 009.

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

3.The Joint Director of Agriculture,
Kattu Thottam,
Thanjavur.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e., the Secretary to Government, Finance (Pay Cell) Department, Chennai relating to Government in Letter No.70980/CMPC/2015-3 dated 27.04.2016 and quash the same and consequently direct the respondents to first re-fix the pay of the petitioner in the scale of pay of Rs.7,000-225-11,500 i.e. in the pre revised scale of pay on the same cadre which he was not given previously and then with the corresponding revised scale of pay i.e. Rs.9,300-34,800+(G.P.)4,800 notionally with effect from 12.12.2007 for the purpose of fixation of pay in the revised scale of pay and with monetary benefits from 01.08.2010 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader



O R D E R

The petitioner was serving as Depot Manager Grade-I under the control of Joint Director of Agriculture and has attained the age of superannuation on 30.06.2015 and has received the monetary benefits. The grievance of the petitioner is that pay in the Cadre of Depot Manager Grade-I should have been fixed from Rs.7,000-11,500 (Pre revised) with corresponding revised scale of pay from Rs.9300-34800 + Grade Pay of Rs.4800. The recommendation of the "One Man Commission" has been accepted by the Government as per G.O.Ms.No.257, Finance (Pay Cell) Department dated 26.08.2010. The petitioner claims that he was getting the pay scale of Rs.5500-175-9000 with effect from 01.01.1996 and with monetary benefits from 01.09.2008. Thereafter, ought to have revised the scale of pay Rs.9300-34800 + Grade Pay of Rs.4800. The petitioner made representations on 20.10.2014 and on 13.11.2015. Since there was no response from the respondents, the petitioner filed W.P.No.21882 of 2015, seeking for a direction to consider the petitioner's representation and this Court vide order dated 08.12.2015 has directed the respondents to pass appropriate orders. Thereafter the Government has passed the impugned order and aggrieved over the present writ petition is filed.

2. The respondents have filed counter stating the scale of pay for Depot Manager Grade-I was revised as 5500-175-8300 with effect from 01.01.1996. Thereafter, again it was revised as 5500-175-9000 with effect from 01.09.1998. The respondents have stated that the Depot Manager Grade-I post was not interchangeable post, the office management post in ministerial side. The Depot Manager Grade-I post is on the Management side. Moreover, the structure of promotion is also different. Hence the petitioner cannot claim the higher pay scale 7000-11500 applicable in the pre-revised scale to pay. One Man Commission appointed in the year 2010 had recommended the pay scale for Depot Manager Grade-I and the same is implemented as per recommendation.

3. Heard the learned counsel for the petitioner and the Special Government Pleader for the respondents.

4. The petitioner has relied on the order passed in respect of similarly placed persons namely, A.K.Farook, C.V.Loganathan, V.Kovarthanan, Selvaraj, A.Rajasekar, K.Padmanaban. However, the respondents state that the petitioner is working as Depot Manager Grade-I which is a placed under the "sales division" and the petitioner would equate himself of the Superintendent post which comes under "Administration" and alleges disparity in the scale pay. However, both the petitioner and the respondents submitted that the issue was considered subsequently in G.O.Ms.No.226, dated 27.09.2019



wherein it is stated that the Depot Manager Grade-I is re-distinguished as a management post and therefore both the post are treated as one and the same.

5. After hearing the arguments of both sides and on perusal of the records, it is seen that for similarly placed persons the benefits are granted and the arrears are paid from the year 2010 onwards. Now the Government has considered the entire issue and has passed G.O.226, dated 26.07.2019. Therefore, this Court is of the considered opinion that the second respondent ought to consider the case of the petitioner in the light of the G.O.226 and in the light of the proceedings passed for similarly placed persons.

6. Therefore, the second respondent shall forward the entire papers to the first respondent since the petitioner is retired from service. Thereafter the first respondent shall pass an order in the light of the proceedings passed in favour of the said seven persons and the light of the G.O.Ms.No.226, dated 22.07.2019. The said entire exercise shall be carried within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

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 Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai-600 009.

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



3.The Joint Director of Agriculture,
Kattu Thottam,
Thanjavur.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-38649[F] dated 14/12/2021)

+1 CC to M/s.SPL GP (SR-38608[F] dated 14/12/2021)

W.P(MD)No.10073 of 2016
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MGJ(12.01.2022) 4P 6C