



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.22357 OF 2013

M.Kugan

... Petitioner

Vs.

1. The Secretary to Government,
Department of Agriculture,
Secretariat St.George Fort,
Chennai - 600109.
2. The Commissioner of Agriculture,
Chepauk, Chennai - 600005.
3. The Joint Director of Agriculture,
Bagayam Road, Opp. to Govt. Polytechnic,
Thorapadi, Vellore - 632002.
4. The Accountant General,
The State of Tamil Nadu,
Office of the Principal Accountant General,
(Accounts & Entitlements), No.361, Anna Salai,
Teynampet, Chennai - 600018.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in proceedings No.A3/18343/2010(1) dated 30.05.2013 and the consequential proceedings in No.A3/18343/2010 (1) dated 10.06.2013 of the 3rd respondent and quash the same and direct the 3rd respondent to refund the amount already recovered from the petitioner.

For Petitioner : Mr.V.M.G.Ramakkannan

For Respondents : Mr.C.Selvaraj [R1 to R3]
Additional Government Pleader
Mr.V.Vijay Shankar [R4]



ORDER

The petitioner herein, who had participated in the selection process for the post of Assistant Agriculture Officer, came to be appointed on 17.06.2009 only, owing to some delay on account of administrative reasons. Considering this delay, the Government in G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010, passed orders revising the pay for the Junior Assistants/Agricultural Officers who were selected prior to 01.06.2009 and appointed on a subsequent date on or after 01.06.2009. Subsequently, in view of certain audit objections, it is found that vide impugned proceedings dated 10.06.2013, the revision was cancelled in G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010. Hence, the cancellation and the consequential recovery proceedings are put under challenge in the present writ petition.

2. The issue involved in the present writ petition had already come up for consideration in a batch of writ petitions in WP.(MD).Nos.15375 to 15383 of 2013 etc., and by order dated 03.10.2019, the learned Single Judge had quashed the orders revising the pay scale and directed the respondents to re-fix the pay and allowance on par with the petitioners' who were given with the benefit of G.O.Ms.No.340, dated 26.08.2010. The relevant portion of the order reads as follows:-

"7.After admitting that the delay in appointment was purely due to Administrative reasons, it may not be proper for the respondent to pass the impugned order as reproduced earlier. Similarly placed Government servants were given the benefit of G.O.Ms.No.340, dated 26.08.2010. Even though the petitioners were appointed after the crucial date, the selection was pursuant to the same/single process and the delay in petitioners' appointment was due to administrative reasons, particularly in view of the pendency of the court proceedings, as it is admitted by the respondents. As per G.O.Ms.No.340 Finance (Pay cell Department), dated 26.08.2010, the benefit was extended to all categories of posts recorded by the TNPSC in the same page prior to 01.06.2009 and joined on subsequent date on or after 01.06.2009 due to administrative reasons. When the Government order itself has been read and understood by the respondents earlier in some of their communications rightly, the impugned order ignoring the facts, purpose and object of G.O.Ms.No.340 is liable to be quashed. The



4. Accordingly, this Writ Petition stands allowed and the impugned proceedings dated 30.05.2013 and 10.06.2013 is hereby quashed. Consequently, there shall be a direction to the third respondent herein, to re-fix the petitioner's pay and allowance on par with his Juniors who were promoted prior to 01.06.2009 and who were given the benefit of G.O.Ms.No.340 dated 26.08.2010. The third respondent is further directed to forthwith refund the amount recovered if any, pursuant to the impugned proceedings dated 30.05.2013 and 10.06.2013, within a



period of four weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Department of Agriculture,
Secretariat St.George Fort,
Chennai - 600109.
2. The Commissioner of Agriculture,
Chepauk, Chennai - 600005.
3. The Joint Director of Agriculture,
Bagayam Road, Opp. to Govt. Polytechnic,
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4. The Accountant General,
The State of Tamil Nadu,
Office of the Principal Accountant General,
(Accounts & Entitlements), No.361, Anna Salai,
Teynampet, Chennai - 600018.

+1cc to Mr.V.M.G.Ramakkannan, Advocate, S.R.No.14977
+1cc to the Government Pleader, S.R.No.15478

W.P.No.22357 of 2013

GPL (CO)
PM/25/03/2022