



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.19624 of 2021

N.Balasubramanian

... Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary,
Department of Agriculture,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 018.

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

3.The Joint Director of Agriculture,
Collectorate Complex,
Virudhunagar - 626 002.

4.The Accountant General,
(Accountant & Entitlement),
No.361, Annasalai,
Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second and third respondents, the Director of Agriculture, Chennai and the Joint Director of Agriculture, Virudhunagar respectively and to resubmit the proposals to the fourth respondent, the Accountant General, Chennai within a specific time frame and on receipt of the revised proposals, the Accountant General, Chennai, the fourth respondent shall arrange to disburse the revised pensionary benefits to the petitioner, within the time frame, that may be fixed by this Court.

For Petitioner

:M/s.G.Sreenisha

For R1 to R3

:Mr.A.Kannan

Additional Government Pleader

For R4

:Ms.S.Mahalakshmi



O R D E R

The writ petition is filed to direct the respondents to disburse the revised pensionary benefits to the petitioner, within the time frame fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that he joined as Assistant Agricultural Officer during 1981, under the third respondent and retired on his attaining superannuation on 30.06.2015 as Deputy Agricultural Officer. There was a pay anomaly, while revising his scale of pay in the post of Deputy Agricultural Officer, as his junior was getting more pay than him with effect from 25.09.2009. Subsequently, vide proceedings dated 31.05.2018, the Joint Director of Agriculture, Virudhunagar has passed a procedural order for redetermination of pay and the same was paid to the petitioner as arrears. Thereafter, the petitioner sent a letter to the third respondent for revision of pension, based on the aforesaid order and the third respondent has also sent a revised pension proposal to the Accountant General, Chennai. But the same was returned, on the ground that the Department is not the competent authority for anomaly fixation after retirement and that a Government Order is required for the same. Hence, the petitioner is before this Court.

4. Today (06.01.2022), when this Writ Petition is taken up for consideration, it is brought to the knowledge of this Court that the issue involved in this writ petition is squarely covered by the order of this Court in W.P. (MD) No.16901 of 2021, dated 07.10.2021. The learned counsel further submits that the same relief may also be granted to this petitioner also.

5. It is not in dispute that there was pay anomaly and vide letter dated 07.09.2018, the Deputy Agricultural Director accepted the same and issued a direction to the Treasury to refix the scale of pay of the petitioner and sanction revised pensionary benefits. However, in respect of revising the pensionary benefits, the fourth respondent has returned the papers on 14.01.2019, on the ground that a Government Order to that effect is required to process the papers, since the Head of the Department is not the competent authority for anomaly fixation after retirement.

6. After such return, the third respondent has sent the proposal to the second respondent on 13.02.2019 and thereafter, on 29.04.2021, the third respondent addressed a letter along with particulars of the petitioner and relevant documents for obtaining necessary Government Order for revising the pensionary benefits of the petitioner to the second respondent. Since the proposal along with required documents are pending with the second respondent, there shall be a direction to the second respondent to forward the said proposal 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 (AS)

// True Copy //

/ /2022

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

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Principal Secretary,
Department of Agriculture,
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Chennai - 600 018.

2. The Director of Agriculture,

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Chepauk,
Chennai - 600 005.

3. The Joint Director of Agriculture,

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(Accountant & Entitlement),
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Teynampet,
Chennai - 600 018.

+1 CC to M/s.SPL.GP (SR-800[F] dated 07/01/2022)

+1 CC to M/s.SISSY LAW ASSOCIATES, Advocate (SR-647[F] dated 06/01/2022)

Order made in

W.P(MD) No.19624 of 2021

06.01.2022