



W.P.No.6639 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.6639 of 2020
and WMP.No.7869 of 2020

1.G.Balasubramaniyan
2.T.Sivasankaran
3.T.Amritha Ganesan

... Petitioner

Vs.

1. The Agriculture Production Commissioner
and Principal Secretary to Government,
Agriculture Department, Secretariat,
Chennai - 600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondents to sanction benefits under G.O.Ms.No.86 Animal Husbandry and Fisheries [FS-V] Department dated 14.08.2003 to the petitioners at their option in the light of the orders of this Hon'ble Court in W.A.No.302 of 2008, dated 18.07.2008.



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For Petitioner : Ms.P.Vasanthi
For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking for issuance of mandamus to direct the respondents to sanction benefits under G.O.Ms.No.86 Animal Husbandry and Fisheries [FS-V] Department dated 14.08.2003 to the petitioners at their option in the light of the orders of this Hon'ble Court in W.A.No.302 of 2008, dated 18.07.2008 within a stipulated period of time.

2. The case of the petitioners are that the petitioners have joined in service in the Tamil Nadu Sugarcane Farm Corporation in the year 1978, 1974 & 1975 respectively and they were retrenched from service in the year 1989 on account of closure of Sugarcane farm Corporation. Subsequently by proceedings of the State, the petitioners were taken into Service in Agriculture Department in the year 1991 & 1990 respectively and retired from service in the year 2012, 2011 & 2008 respectively but their long service in the Sugarcane Farm Corporation was not taken into consideration



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for calculating pensionary benefits. Pursuant to the G.O.Ms.86 Animal Husbandry & Fisheries Department dated 14.08.2003, the Government had notified that the service in the earlier corporation shall be taken into consideration provided the employees repay the retrenchment compensation. The Division Bench of this Court in W.A.No.302 of 2008 had held that the benefits under G.O.Ms.No.86 Animal Husbandry & Fisheries Department (FS V Department) dated 14.08.2003 is also applicable to the Agriculture Department and the said orders were also followed in W.P.No.470 of 2014. The petitioners are similarly placed persons and they opt for benefits under the G.O.Ms.No.86 and their service in the Sugar Farm Corporation has to be taken into consideration for granting pensionary benefits. Hence, seeking for suitable directions to extend the benefits under G.O.Ms.86 in the light of the orders passed by this Court in W.A.No.302 of 2008 the petitioners have filed the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioners



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representations dated 24.07.2017, 17.08.2018, 03.02.2020 & 04.02.2020 respectively and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioners have sent representations dated 24.07.2017, 17.08.2018, 03.02.2020 & 04.02.2020 to the Joint Director of Agriculture, Tiruvarur who is not a party in the present writ petition. Hence, he prayed this Court to issue a direction to the petitioners to send a fresh representation to the first respondent, within a time frame to be fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:



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(i) the petitioners are directed to send a fresh representation to the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) on such representation being made, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

7. This Writ Petition is disposed of with the above observation and directions. No costs.

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dpq/vca

Index : Yes/No

Speaking Order : Yes/No



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J.SATHYA NARAYANA PRASAD,J.

dpq/vca

To:

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and Principal Secretary to Government,
Agriculture Department, Secretariat,
Chennai - 600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

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