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W.P.No.23720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23720 of 2023

P.Shanmuga devan

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Secretary-cum-Agricultural
Production Commissioner,
The Secretariat, Chepauk, Chennai – 5.

2.Director of Agriculture,
Chepauk, Chennai – 5.

3.The Joint Director of Agriculture,
Collectorate Backside, Indra Nagar,
Dharmapuri – 636 701.

4.The Accountant General (Accounts & Entitlement)
No.361, Anna Salai, Teynampet,
Chennai – 18.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents to send a revised proposal to the 1st respondent for approval within time frame as regards the revised pay with arrears and revised pension pay with arrears of the petitioner with effect from 01.01.2010 on par with his junior Mr.P.T.Manimaran, as ordered in W.P.No.13001 of 2020, dated 10.08.2021, besides directing the 4th respondent, namely Accountant



W.P.No.23720 of 2023

General (Accounts and Entitlement), to implement such order together with fixation of selection grade pay to the petitioner for having completed 10 years of service in the post of Deputy Agricultural Officer w.e.f. 31.12.2007 within time frame.

For Petitioner : Mr.K.Ravi Anantha Padmanabhan
Senior Counsel
for Mr.B.Thirumalai

For R1 to R3 : Mr.S.Prabhakaran
Government Advocate

For R4 : Mr.S.Balaji

ORDER

This writ petition has been filed to direct the 2nd and 3rd respondents to send a revised proposal to the 1st respondent for approval within time frame as regards the revised pay with arrears and revised pension pay with arrears of the petitioner with effect from 01.01.2010 on par with his junior Mr.P.T.Manimaran, as ordered in W.P.No.13001 of 2020, dated 10.08.2021, besides directing the 4th respondent, namely Accountant General (Accounts and Entitlement), to implement such order together with fixation of selection grade pay to the petitioner for having completed 10 years of service in the post of Deputy Agricultural Officer w.e.f. 31.12.2007 within time frame.



W.P.No.23720 of 2023

WEB COPY

2.The petitioner states that he was serving as a Deputy Agricultural Officer and retired from service on 31.10.2018. It is the case of the petitioner that, in the Agriculture Department, there was restructuring of cadres and accordingly, the petitioner and few others were directly promoted to the said post of Deputy Agricultural Officer by-passing the intermediate promotion as an Assistant Seed Officer from the post of Assistant Agricultural Officer and there was subsequent revision of pay accordingly. It is the grievance of the petitioner that those Assistant Agricultural Officers who were promoted as Assistant Seed Officers and thereafter as Deputy Agricultural Officers have got three increments, whereas, persons like petitioner got only one increment, as a result of which, there exists a pay anomaly. The Government have come out with an order in G.O.(2D) No.180, Agriculture and Farmers Welfare (AA4(2)) Department, dated 02.12.2021, calling for proposals with regard to rectification of pay anomaly in respect of retired personnel at Government level. Hence, the writ petition has been filed for directions to the respondents 2 and 3 to send a proposal to the Government.



W.P.No.23720 of 2023

3.Heard the learned Senior Counsel appearing for the petitioner, Mr.S.Prabhakaran, learned Government Advocate, who takes notice for the respondents 1 to 3 and Mr.S.Balaji, learned counsel, who takes notice for the 4th respondent.

4.Clause 12 of G.O.(2D) No.180, Agriculture and Farmers Welfare (AA4(2)) Department, dated 02.12.2021, reads as follows :

“12) The Director of Agriculture is further directed to send similar nature of pending proposals with regard to rectification of pay anomaly in respect of retired personnel at Government level.”

It is also brought to the notice of this Court that this Court, in a similar case in W.P.No.13001 of 2020, has earlier issued positive directions on 10.08.2021, as follows :

“5.Considering the fact that the petitioner has been given low salary as he was directly promoted to the post of Deputy Agricultural Officer on account of the administrative reasons, the petitioner cannot be denied to pay on par with other employees who were promoted as Assistant Seed Officer and thereafter as Deputy Agricultural Officer. In fact, the issue is now covered by two decisions of this Court rendered in W.P.(MD).No.24838 of 2018 in the case of T.Sekar Vs. State of Tamilnadu and others and



W.P.No.23720 of 2023

another decision of this Court rendered in W.P.(MD).No.1159 of 2020 in the case of K.Marimuthu Vs. The Agricultural Production Commissioner and Principal Secretary to Government and others.

6.Taking into account of the fact, that the petitioner has already retired on 28.02.2014, the respondent Nos.2 & 3 are directed to send a proposal to the 1st respondent for rectifying anomaly in the pay of the petitioner. The 1st respondent shall be pass appropriate orders to effect necessary changes in the pay of the petitioner.

7.Under these circumstances, this writ petition stands disposed of by directing the respondent Nos.2 & 3 to send a proposal to the 1st respondent for effecting changes in the pay of the petitioner. This may be implemented by the 2nd and 3rd respondents within a period of four weeks from today. Thereafter, the 1st respondent/and the Government shall pass appropriate orders within a period of 60 days thereafter for being implemented by the 4th respondent without any delay.

8.Writ Petition stands disposed of with the above observations. No costs.”



W.P.No.23720 of 2023

WEB COPY

5. In view of the above, the 2nd respondent is directed to send a proposal to the 1st respondent for effecting changes in the pay of the petitioner, within a period of one month from the date of receipt of a copy of this order and on receipt of such proposal, the 1st respondent is directed to pass appropriate orders on the same, within a period of one month thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

11.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Secretary-cum-Agricultural
Production Commissioner,
State of Tamil Nadu,
Secretariat, Chepauk, Chennai – 5.

2. The Director of Agriculture,
Chepauk, Chennai – 5.



W.P.No.23720 of 2023

3.The Joint Director of Agriculture,
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W.P.No.23720 of 2023

N. SATHISH KUMAR, J.
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W.P.No.23720 of 2023

11.08.2023