



WEB COPY



W.P.No.25850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25850 of 2023

S.Selvaraj

... Petitioner

Versus

- 1.State of Tamil Nadu rep. by its,
Secretary-cum-Agricultural Production Commissioner,
The Secretariat, Chepauk, Chennai-5.
- 2.The Director of Agriculture,
Chepauk, Chennai-5.
- 3.The Joint Director of Agriculture,
Collectorate Officer, 5th Floor,
Tirupur – 641604.
- 4.The Account General (Accounts & Entitlement),
No.361, Anna Salai, Teynampet, Chennai-18. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other order or direction in the nature of the writ by directing the 2nd respondent to forward the proposal dated 20.03.2023 of the 3rd respondent vide Letter No.A1/11115/2018 together with all particulars to the 1st respondent for ratification of such proposal to be implemented by the 4th respondent so as to pay the petitioner by fixing the revised pay with arrears and revised pension with arrears on a par with his junior S.Selvaraj, vide his Seniority No.37/81 on par with his junior S.Selvaraj vide his Seniority No.86/81 within time frame.



WEB COPY



W.P.No.25850 of 2023

For Petitioner : Mr.K.Ravi Ananthapadmanabhan,
Senior Counsel for Mr.B.Thirumalai
For R1 to R3 : Mr.M.Alagu Gowtham,
Government Advocate
For R4 : Mr.S.Balaji

ORDER

This Writ Petition has been filed to direct the 2nd respondent to forward the proposal, dated 20.03.2023 of the 3rd respondent *vide* Letter No.A1/11115/2018 together with all particulars to the 1st respondent for ratification of such proposal to be implemented by the 4th respondent so as to pay the petitioner by fixing the revised pay with arrears and revised pension with arrears on a par with his junior S.Selvaraj, *vide* his Seniority No.37/81 on par with his junior S.Selvaraj *vide* his Seniority No.86/81 within time frame.

2.The petitioner states that he was serving as a Deputy Agricultural Officer and retired from service on 31.10.2013 on attaining the age of superannuation. It is the case of the petitioner that, in the Agriculture Department, there was re-structuring 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



W.P.No.25850 of 2023

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 2nd respondent to send a proposal of the 3rd respondent to the Government.

3.Heard the learned Senior Counsel appearing for the petitioner, Mr.M.Alagu Gowtham, 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



W.P.No.25850 of 2023

(AA4(2)) Department, dated 02.12.2021, reads as follows:

WEB COPY

“?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 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



W.P.No.25850 of 2023

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.?”

5.In view of the above, the 2nd respondent is directed to send a proposal of the 3rd respondent, dated 20.03.2023 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.



W.P.No.25850 of 2023

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

07.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

vv2

To

1. The Secretary-cum-Agricultural Production Commissioner,
State of Tamil Nadu,
The Secretariat, Chepauk, Chennai-5.
2. The Director of Agriculture,
Chepauk, Chennai-5.
3. The Joint Director of Agriculture,
Collectorate Officer, 5th Floor,
Tirupur – 641604.
4. The Account General (Accounts & Entitlement),
No.361, Anna Salai, Teynampet, Chennai-18.



WEB COPY



W.P.No.25850 of 2023

N.SATHISH KUMAR, J.
vv2

W.P.No.25850 of 2023

07.09.2023