



WEB COPY



W.P.No.27751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27751 of 2022

1.N.Anbalagan
2.K.Krishnasamy
3.S.Thiagarajan

...Petitioners

-Vs-

1. State of Tamil Nadu rep by its
Secretary-cum-AGricultural Production Commissioner,
The Secretariat, Chepauk, Chennai-600 005.
2. Director of Agriculture,
Chepauk, Chennai-600 005.
3. Director of Horticulture and Plantation,
Guindy, Chennai-600 032.
4. The Deputy Director of Horticulure and Plantation,
Office of the District Collector,
Siluvampatti (P.O)., Namakkal.
5. The Accountant General (Accounts & Entitlement),
No.361, Anna Salai, Teynampet, Chennai-600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 4 to send a proposal to the 1st respondent revising the pay with arrears as well as the pension



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pay with arrears of the petitioners with effect from 15.02.2006 on par with their juniors Mr.Manickam in the post as Deputy Agriculture Officer within the time frame with a further direction to the first respondent to grant the approval for it to be implemented by the 5th respondent, namely, the Accountant General (Accounts and Entitlement), Chennai.

For Petitioners : Mr.K.Ravi Anantha Padmanaban
Senior Counsel for
Ms.P.Rajalakshmi

For Respondents : Mrs.V.Yamuna Devi
Spl.Government Pleader
For R.1 to R.4
Ms.Hema Muralikrishnan
Standing Counsel

ORDER

Heard Mr.K.Ravi Anantha Padmanaban, learned Senior counsel for the petitioners and Mrs.V.Yamuna Devi, learned Special Government Pleader for the first respondents 1 to 4 and Ms.Hema Muralikrishnan, learned Standing Counsel for the fifth respondent.

2. The petitioners herein had retired from service in the post of Deputy Agricultural Officers on 31.07.2017 (N.Anbalagan); 30.06.2014 (K.Krishnasamy) and 31.10.2014 (S.Thiagarajan) and have been receiving monthly pension. The



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respondents, through order dated 01.11.2012, had revised the pay scale of one V.Manickam with effect from 15.02.2006 in the post of Assistant Agricultural Officer, pursuant to which, he received monthly pension over and above the petitioners. Consequently, the said V.Manickam, who was junior to the petitioners in the post of Assistant Agricultural Officer, started receiving an higher pension. For rectifying the pay anomaly, the petitioners made representations on 01.08.2014 and 29.10.2021 and in view of non-consideration of their representations, the present writ petition has been filed.

3. When similarly placed persons had approached this Court, the respondents were directed to rectify the pay anomaly between seniors and seniors and accordingly, had directed the respondents to revise the pay scale of those officers on par with juniors. The relevant portions of the orders passed by this Court are as follows:-

“ i) V.Subburaj vs State of Tamil Nadu rep by its Secretary-cum Agricultural Production Commissioner and others in W.P.No.13001 of 2020 dated 10.08.2021

4. In the counter filed by the 3rd respondent, the respondents have stated that some of the employees



pension proposals and the afore mentioned employee were sent to the Accountant General by the concerned Joint Directors of Agriculture, and the same was returned by the Accountant General as per Lr.No.P07/5/10719739/ADK/229 dated 11.09.2018, on the ground that since the employees have retired from Government service necessary orders rectifying their pay on par with their juniors will have to be issued only by the Government and only if such orders are issued by the head of departments then necessary ratification has been obtained from the Government and to be re-submitted for the pension proposal of such employees.

*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 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.

(ii) R.Thirugananam vs State of Tamil Nadu rep by its Secretary-cum Agricultural Production Commissioner and others in W.P.No.22724 of 2021.

“ 3. The second respondent shall send the revised pension proposal of the petitioner to the first respondent



for grant of approval for payment of revised pension pay with arrears in that behalf with effect from 01.01.2010 on par with the petitioner's junior Mr.P.T.Manimaran, Deputy Agricultural Officer (Retired) within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall thereafter pass appropriate orders within a period of four weeks. The third and fourth respondents are directed to release the revised pension pay with arrears to the petitioner within a period of four weeks thereafter.”

(iii) K.Sekar vs State of Tamil Nadu rep by its Secretary-cum Agricultural Production Commissioner and others in W.P.No.3894 of 2022.

4. Considering the fact that the proposal for revision of pay dated 17.03.2022, which was forwarded by the second respondent to the first respondent on 20.07.2022 and the subsequent passing of G.O.(2D)No.23, Agriculture and Farmers Welfare [Aa4(2)] Department dated 29.03.2022, wherein relief has been granted to similarly placed persons, this Court directs the first respondent to consider the proposal forwarded to him by the second respondent and pass appropriate orders in accordance with law in the light of the aforesaid



Government Order, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.”

4. Likewise, when similar orders were passed by Madurai Bench of this Court for rectification of anomaly between the seniors and the juniors, the respondents had already implemented orders through G.O.(2D)No.180 Agriculture and Farmers Welfare (AA4(2)) Department dated 02.12.2021.

5. Learned Special Government Pleader raised two objections stating that there is already pay anomaly in the case of V.Manickam which requires to be ratified and only thereafter, the petitioners' cases can be considered. She further submits that the petitioners have not passed departmental tests, stipulated under Rule 9(b) of Tamil Nadu Agricultural Extension Subordinate Service.

6. Insofar as the first objection is concerned, the respondents have already ratified and revised V.Manickam's pay scale in the post of Assistant Agricultural Officer with effect from 15.02.2006 through Proceedings dated 01.11.2012 and therefore the above said objection may not be sustainable.



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7. Insofar as passing of departmental tests is concerned, the same would be applicable only to the post of Deputy Agricultural Officer. The pay anomaly which has now arisen between the petitioners and V.Manickam is in the post of Assistant Agricultural Officer and therefore, the necessity for passing of departmental tests at that relevant point of time does not arise and both the objections are rejected.

8. In the light of the above findings and observations, there shall be a direction to the respondents 1 and 2 herein to pass appropriate orders on the petitioners' representations dated 01.08.2014 and 29.10.2021 and thereby revise the petitioners' pay scale so as to bring it par with their junior V.Manickam with effect from 15.02.2006. After passing the order of revision, the same shall be duly forwarded to the fifth respondent herein for revision of the petitioners' pension. Such order shall be passed by the respondents 1 and 2 within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is allowed. No costs.

22.11.2023

Index:Yes
Internet:Yes
sr



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- To
1. The Secretary,
State of Tamil Nadu,
Secretary-cum-Agricultural Production Commissioner,
The Secretariat, Chepauk, Chennai-600 005.
 2. Director of Agriculture,
Chepauk, Chennai-600 005.
 3. Director of Horticulture and Plantation,
Guindy, Chennai-600 032.
 4. The Deputy Director of Horticulture and Plantation,
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M.S.RAMESH,J.,

SR

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