



W.P.No.33 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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1. S.Jeyapandi
2. C.Subrmanian
3. A.Mylswamy
4. A.Chellapandi
5. S.Sukumar
6. S.B.Balasubramaniam
7. N.Murugan
8. B.Mohan Prabakaran
9. R.Venkatesan
10. M.Senthilkumar
11. L.Suresh Daniel
12. G.Ponnuvel
13. S.P.Sekar
14. K.Iyyappan
15. S.Kasinathan
16. M.Kanniyammal
17. S.Balasundaram
18. K.S.Mathankumar
19. J.R.T.Sivakumar
20. T.Sherifdeen
21. G.Karthikeyan
22. A.K.P.Moorthy
23. K.Ramesh
24. K.Kalaivanan
25. B.Muralidharan
26. M.Kalavathi

... Petitioners



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Vs.

1. The Government of Tamil Nadu
Rep. by the Agricultural Production
Commissioner and Secretary to Government,
Agriculture Department, Fort St.George,
Chennai - 600009.
2. The Chief Engineer (Agricultural Engineering)
Chennai - 600035.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in Letter No.Me.Pa.4/35441/2014 dated 11.03.2015 and quash the same and direct the respondents to categorize the post of Assistant Soil Conservation Officer as a Trade Post and bring it under the revised category of Supervisor as done in the case of Agricultural Engineering Foreman in accordance with G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010 and fix the petitioners' pay in the Pay Band of Rs.9300 – 34300 + GP Rs.4200 with notional effect from 01.01.2006 with monetary benefit from 01.08.2010.

For Petitioners : Mr.P.Rajendran

For Respondents : Dr.T.Seenivasan
Special Government Pleader



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ORDER

This writ petition has been filed to call for the records relating to the impugned order of the 2nd respondent in Letter No.Me.Pa.4/35441/2014 dated 11.03.2015 and quash the same and direct the respondents to categorize the post of Assistant Soil Conservation Officer as a Trade Post and bring it under the revised category of Supervisor as done in the case of Agricultural Engineering Foreman in accordance with G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010 and fix the petitioners' pay in the Pay Band of Rs.9300 – 34300 + GP Rs.4200 with notional effect from 01.01.2006 with monetary benefit from 01.08.2010.

2. Heard the learned counsel for the petitioner and learned Special Government Pleader appearing for the respondents, and perused the materials on record.

3. The petitioners are working as Assistant Soil Conservation Officers in the Department of Agricultural Engineering and they were appointed in the said post through direct recruitment. In the year 2010, the Government had issued an order in G.O.Ms.No.338, Finance (Pay



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Cell) Department dated 26.08.2010 directing that the scale of pay of the Technical Categories (Trade Posts) in all Government Departments/Local bodies shall be uniformly revised and re-designated. The revision of scale of pay shall take notional effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay with monetary benefit from 01.08.2010. Following the said orders of the Government, the 2nd respondent issued orders in Letter No.Thu.Pa.2/53920/10 dated 19.10.2010 directing the Superintending Engineers and the Assistant Engineers to re-fix the pay and pay scale in respect of certain posts said to be trade posts and bringing them under the 4 categories mentioned in G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010. The post of Assistant Soil Conservation Officer which the petitioners are holding under the pay scale PB 5200-20200 + GP 2800 with effect from 01.01.2006, does not find a place in the said letter. Hence, the petitioners gave a representation to the respondents requesting them to categorize the post of Assistant Soil Conservation Officer as a Trade Post and bring it under the revised category of Supervisor as done in the case of Agricultural Engineering Foreman in accordance with G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010 and fix their pay in the Pay Band of Rs.9300-34300+GP Rs.4200 with notional effect from



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01.01.2006 for the purpose of fixation of pay in the revised scales of pay with monetary benefits from 01.08.2010. The petitioners have not received any reply. In response to the representation made by the petitioners' association namely Tamil Nadu Assistant Soil Conservation Officers (Diploma) Association, the 2nd respondent issued an order dated 11.03.2015 stating that the Government had stated that the post of Assistant Soil Conservation Officer cannot be treated as trade post and cannot be granted the Pay Band of Rs.9300-34300+GP Rs.4200. Aggrieved by the said order, this Writ Petition is filed.

4. The learned counsel for the petitioner submits that the order issued by the Government vide letter dated 24.09.2012 makes it very clear that the classification of a post as Trade post is made based on the technical qualification prescribed for the post. The posts of Agricultural Engineering Foreman and the post of Assistant Soil Conservation Officer require the same technical qualification namely Diploma in Engineering. When the post of Agricultural Engineering Foreman has been classified as a Trade post based on the technical qualification, the same yardstick should be adopted in the case of Assistant Soil Conservation Officer also. But this has not been done in the case of the petitioners and no reason



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has been given by the Government for not treating the post of Assistant Soil Conservation Officer as a Trade post particularly when it requires technical qualifications for appointment.

5. A perusal of the records revealed that the prescribed qualification for appointment to the post of Agricultural Engineering Foreman and Assistant Soil Conservation Officer is Diploma in Engineering and there is no dispute with regard to the same. The job chart issued by the respondents which contains the duties and responsibilities of Agricultural Engineering Foreman and Assistant Soil Conservation Officer clearly indicates that the post of Assistant Soil Conservation Officer involves technical aspects and the post is a trade post. Therefore, the petitioner is entitled for revised pay scale as per G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010.

6. Accordingly, this Writ Petition is disposed of and the respondents are directed to consider the petitioner for the revised pay scale as per G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010 and pass appropriate orders within a period a twelve weeks from the date of receipt of a copy of this order. No costs.



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Index : yes/no

Internet : yes/no

To

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Chennai - 600009.
2. The Chief Engineer (Agricultural Engineering)
Chennai - 600035.

V.BHAVANI SUBBAROYAN.J.,

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