



W.P.(MD).No.17115 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17115 of 2023

G.Rajendran

... Petitioner

Vs.

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

2.The Director of Agri Marketing and
Agri Business,
Industrial Estate,
Guindy, Chennai-600 032.

... Respondents

*(R2 is impleaded vide Court order, dated 08.08.2023 in
W.M.P(MD)No.15547 of 2023)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent ie., the Director of Agri Marketing and Agri Business, Chennai in his Endorsement No.ViKuPa5/24862/2022, dated 06.01.2023 and quash the same and consequently direct the respondents ie., the Agricultural Production Commissioner and Secretary to Government, Agriculture Department, Chennai and the Director of Agri Marketing and Agri



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Business, Chennai to pass fresh orders with reasoning as to why the petitioner's request cannot be complied with, within a specified time frame that may be fixed by this Court.

*(Prayer amended vide Court order, dated 08.08.2023 in
W.M.P(MD)No.15554 of 2023)*

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed to call for the records of the second respondent ie., the Director of Agri Marketing and Agri Business, Chennai in his Endorsement No.ViKuPa5/24862/2022, dated 06.01.2023 and quash the same and consequently direct the respondents ie., the Agricultural Production Commissioner and Secretary to Government, Agriculture Department, Chennai and the Director of Agri Marketing and Agri Business, Chennai to pass fresh orders with reasoning as to why the petitioner's request cannot be complied with, within a specified time frame that may be fixed by this Court.

2. The petitioner was lastly serving as Secretary in the Selection Grade, Madurai Market Committee, Madurai and he was allowed to retire on



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31.12.2007 on attaining the age of superannuation. Thereafter, the petitioner made several representations for fixing his pay on par with his junior one V.Ramasamy who has also served lastly as Secretary in the Trichy Market Committee and retired from service on 30.04.2011. The Director of Agri Marketing and Agri Business, Chennai informed the petitioner vide letter, dated 07.10.2021 that the proposals recommending re-fixation of pay on par with his junior has already been sent to the Government and the orders of the Government are awaited. The petitioner made another representation on 13.12.2022 to the Secretary to the Government pressing for consideration of his representation. While so, the impugned order, dated 06.01.2023 came to be passed by the 2nd respondent rejecting the petitioner's application by cryptic non-speaking order. Challenging the same, this writ petition came to be filed.

3. The learned Additional Government Pleader vehemently opposed for dismissing the writ petition.

4. Heard Mr.S.Visvalingam, learned counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondents and perused the materials available on record.



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5. Having recommended the petitioner's case for refixation of pay on par which his junior, by taking a U turn, the 2nd respondent has passed the non-speaking order in a cryptic fashion without elaborating the reasons for rejection of the petitioner's claim. Hence, this Court is of the considered opinion that the 2nd respondent ought to have passed an elaborate order on the basis of which the petitioner's request was rejected. Hence, this Court hereby quashes the impugned order, dated 06.01.2023 and subsequently, direct the respondents to pass an elaborate order along with the reasons for rejecting the petitioner's request for refixation of his pay on par with his junior V.Ramasamy. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. In view of the above, this Writ Petition stands disposed of. No costs.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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L.VICTORIA GOWRI, J.

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