



W.P.(MD).No.17413 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17413 of 2023

K.Kalimuthu

... Petitioner

Vs.

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

**2.The Director of Horticulture and Plantation Crops,
Ezhilagam, Chepauk,
Chennai-600 005.**

**3.The Deputy Director of Horticulture,
Collectorate Complex,
Virudhunagar.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent i.e., the Director of Horticulture and Plantation Crops, Chennai to send the proposals to the Government for refixing the petitioner's pay on par with his junior Thiru.P.T.Manimaran as was done in number of cases and the first respondent i.e., the Agricultural Production Commissioner and Secretary to Government, Agricultural Department, Chennai to pass appropriate orders on



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the proposals sent by the second respondent i.e., the Director of Horticulture and Plantation Crops, Chennai.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the second respondent (i.e.,) the Director of Horticulture and Plantation Crops, Chennai to send the proposals to the Government for refixing the petitioner's pay on par with his junior Thiru.P.T.Manimaran as was done in number of cases and the first respondent (i.e.,) the Agricultural Production Commissioner and Secretary to Government, Agricultural Department, Chennai to pass appropriate orders on the proposals sent by the second respondent (i.e.,) the Director of Horticulture and Plantation Crops, Chennai.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner was lastly serving as a Deputy Horticulture Officer at Virudhunagar and he got superannuated on attaining the age of retirement on 30.06.2010. He made a representation on 15.09.2021 to the second respondent for re-fixing his pay on par with his junior one P.T.Manimaran. Regarding re-fixation of his pay on par with his junior, the Government has issued detailed instructions in letter, dated 11.12.2014. The Deputy Director of Horticulture, Virudhunagar has sent proposals to the Director of Horticulture, Chennai on 11.04.2022 rectifying the defects already mentioned by the Director in his letter, dated 03.02.2022. The said proposals are still pending with the second respondent. Since the petitioner is a retired employee, the re-fixation has to be done only by the first respondent.

4. The learned Additional Government Pleader for the respondents drew my attention to the clause 12 and 13 of G.O(2D).No.180 of the Agriculture and Farmers Welfare (AA4(2)) Department, dated 02.12.2021, which is extracted 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.



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13. The orders issued in the instant case should not be quoted as a precedent in future.”

5. Considering the limited prayer sought for in this writ petition, this Court is inclined to direct the second respondent to send the proposals to the Government for re-fixing the petitioner's pay on par with his junior Mr.P.T.Manimaran in accordance with law and the relevant rules. I make it clear that without going into the merits of this case, this direction is given and the said proposal may be considered on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of.
There shall be no order as to costs.

20.07.2023

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



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- To
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L.VICTORIA GOWRI, J.

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