



W.P.(MD).No.19791 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.11.2023

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.19791 of 2015

and

M.P.(MD).No.1 of 2015

Venkat Rao

.. Petitioner

Vs.

1.The Director of Agriculture,
Tamil Nadu Agriculture Department,
Chepauk,
Chennai – 600 005.

2.The Joint Director of Agriculture,
Tamil Nadu Agriculture Department,
Tiruchirappalli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent herein made in his proceedings in Ka.No.A.2/7590/2014 dated 09.10.2015 and quash the same and consequently direct the respondents to re-fix scale of pay of the petitioner by applying G.O.Ms.No.257, Finance (Pay Cell) Department dated 26.08.2010.



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For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition challenges the order dated 09.10.2015 passed by the Joint Director of Agriculture, Tamil Nadu Agriculture Department, Chennai.

2. The undisputed facts are that the petitioner was selected through Tamil Nadu Public Service Commission (TNPSC) in Group-IV examination and posted as Junior Assistant. He was allotted to the Tamil Nadu Agriculture Department and posted as Depot Manager Grade-III. After securing regular promotions, during the time of filing of the Writ Petition in October 2015, he was serving as Depot Manager Grade-I at Manachanallur, Tiruchirappalli District. There were anomalies at the time of implementation of the 6th Pay Commission constraining the Government to appoint an One Man Commission, which submitted a report in March 2010. The One Man



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Commission, on finding the pay anomaly between the post of Superintendents on the Ministerial side and Depot Managers Grade-I on the marketing side, recommended that the Depot Managers Grade-I should be granted the same pay as that of Superintendents. On this basis, the pay of the petitioner was revised and re-fixed at Rs.9300-34800 + Grade Pay of Rs.4800/-.

3. The cause of action for the Writ Petition is that the impugned order was passed on 09.10.2015, denying the eligibility of the petitioner for re-fixation and ordering recovery of Rs.3,19,247/-. It is the specific case of the writ petitioner that prior to passing of the impugned order, the petitioner was neither heard nor were the relevant Government Orders, namely, G.O.Ms.No.257 dated 26.08.2010 and G.O.Ms.No.240 dated 22.07.2013, both issued by the Finance (Pay Cell) Department, considered by the respondents.

4. The aspect of passing an order of recovery without notice to the petitioner is not disputed by the learned Government Advocate appearing



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for the respondents. No person can be visited with an order of recovery without a semblance of natural justice. This is especially so, when the petitioner is relying upon the report of the One Man Commission, which had been appointed to set right the anomalies and the Government Orders, which accepted the report of the One Man Commission.

5. Though both the learned counsel for the writ petitioner and the learned Government Advocate would want me to go into the merits of the case, since there is a violation of principles of natural justice, I deem it fit to quash the impugned order and remit it to the second respondent for re-consideration after issuing a show cause notice to the petitioner. Accordingly, the impugned order passed by the second respondent dated 09.10.2015 is quashed and the matter is remitted to the second respondent to re-consider the issue and pass appropriate orders on merits and in accordance with law, after issuing a show cause notice to the petitioner. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

22.11.2023

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

To

1.The Director of Agriculture,
Tamil Nadu Agriculture Department,
Chepauk,
Chennai – 600 005.

2.The Joint Director of Agriculture,
Tamil Nadu Agriculture Department,
Tiruchirappalli District.



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V.LAKSHMINARAYANAN,J.

Lm

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