



W.P.(MD).No.23051 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23051 of 2023

A.John William

... Petitioner

Vs

1. The Agricultural Production,
Commissioner and Principal Secretary to Government,
Principal Secretary to Government,
Agriculture Department, Secretariat, Chennai - 9.
2. The Director of Agriculture,
Ezhilagam, Chepauk,
Chennai - 600005.
3. The Deputy Director of Horticulture,
Dindigul Block, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent ie., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai to pass appropriate orders on the proposals sent by the Director of Horticulture and Plantation of Crops, Chennai in his Letter No.Ka.Pa.Ni.2/20869/2021, dated 01.11.2022 as per detailed instructions issued by the Government in Letter No.



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3062/AA4(2)/2014-15, dated 11.12.2014 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the first respondent ie., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai to pass appropriate orders on the proposals sent by the Director of Horticulture and Plantation of Crops, Chennai in his Letter No.Ka.Pa.Ni.2/20869/2021, dated 01.11.2022 as per detailed instructions issued by the Government in Letter No. 3062/AA4(2)/2014-15, dated 11.12.2014 within a specified time frame that may be fixed by this Court.

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.Heard, Mr.S.Visvalingam, learned counsel appearing for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was lastly serving as Deputy Horticulture Officer, Dindigul and he was allowed to retire on attaining the age of superannuation on 30.06.2018. He made representations on 15.09.2014 and 11.04.2022 to the Director of Agriculture, Chennai to refix his pay on par with one P.T.Manimaran. Regarding refixation of his pay on par with juniors, the Government has issued detailed instructions vide letter, dated 11.12.2014 and the relevant portion of the letter in paragraph No.3 is extracted as follows:

"3. Further as anomaly of junior getting more pay than the seniors arises in this case only on 01.01.2010 on the post of Deputy Agricultural Officer i.e., after implementation of the revised scales of pay there is every justification to rectify the anomaly of junior getting more pay than seniors under the ambit of Tamil Nadu Revised Scale of Pay Rules, 2009. It may be pointed out that due to the restructuring at the department, the seniors were directly promoted as Deputy Agricultural Officers which is purely on administrative grounds and not the fault of seniors concerned and therefore, the higher quantum of pay benefit accrued by the juniors cannot be



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denied to the seniors merely on the ground there is no provisions in fundamental Rule to rectify this anomaly."

(ii)Based on the representations made by the petitioner, the Deputy Director of Horticulture, Dindigul had sent a proposal to the Director of Horticulture and Plantation Crops, Chennai vide letter, dated 30.05.2022. The Director of Horticulture and Plantation Crops, Chennai has also sent the proposals to the Government vide letter, dated 01.11.2022.

(iii).In furtherance to the same, the petitioner made another representation to the District Collector, Dindigul on 03.01.2023, seeking to rectify his pay. Already the Deputy Director of Horticulture has sent a report to the District Collector, Dindigul stating that the proposals have been sent to the Agricultural Production Commissioner and Secretary to Government, Chennai and orders are awaited. Since the proposals are kept in abeyance without consideration by the first respondent, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such,



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non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. Considering the limited relief sought for by the petitioner, without going into merits of the case, this Court hereby direct the first respondent to consider and pass appropriate orders on the proposals sent by the Director of Horticulture and Plantation of Crops, Chennai vide Letter No.Ka.Pa.Ni.2/20869/2021, dated 01.11.2022, as per detailed instructions issued by Government in Letter No.3062/AA4(2)/2014-15, dated 11.12.2014, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

21.09.2023

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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