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W.A.No.1003 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.1003 of 2022
and
C.M.P.No.6388 of 2022

1. The State of Tamil Nadu,
Rep. by its Agriculture Production Commissioner and
Secretary to Government,
Agriculture Department,
Chennai-600 009.

2. The Commissioner of Horticulture,
Chepauk, Chennai-600 005.

... Appellants/Respondents

-VS-

M.Murugan

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.09.2020 made in W.P.No.10050 of 2011.

For Appellants : Mr.M.Bindran
Addl. Govt.Pleader

For Respondent : Mr.A.R.Suresh
For Mr.K.Arumugam



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3. Per contra, learned counsel for the respondent conceded that the respondent is not seeking for regularization of his services from the date of initial appointment and his request was to grant him only the Special Pension on par with other Farm Workers working in the appellants' department. He also drew the attention of this Court G.O.(Ms) No.88 dated 21.06.2021, wherein the Government had considered the request made by similarly placed Horticulture Farm Labourers in terms of G.O.(Ms) No.303 Finance Department dated 11.10.2017. Thus, it is strenuously contended that the respondent attained superannuation on 31.01.2022, namely, subsequent to the aforesaid Government Order dated 21.06.2021 and therefore, he is entitled to the relief sought for.

4. Heard the learned counsel on either side.

5. On a careful scrutiny of the facts, it is no doubt true that the respondent herein was employed in the Horticulture Department and since a similarly placed person, namely, Bojan was granted Special Pension, the learned Single Judge, vide order dated 28.09.2020, directed the appellants herein to extend the same benefit to the respondent also. Though the order of the learned Single Judge was dated 28.09.2020, it is not disputed that subsequent thereto, the Government issued G.O.(Ms) No.88 dated



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21.06.2021, acceding to the request of similarly placed persons in respect of grant of Special Pension to them in consonance with G.O.(Ms) No.303 Finance Department dated 11.10.2017. Hence, in our view, depriving such benefit to the respondent herein would amount to discrimination and partiality in the administration of justice. On that score, the order of the learned Single Judge warrants slight modification.

6. Accordingly, this Writ Appeal is disposed of with a direction to the appellants herein to consider the request of the petitioner in respect of Special Pension in the light of G.O.(Ms) No.88 dated 21.06.2021, if he is otherwise eligible and pass a suitable order within a period of twelve weeks from the date of receipt of a copy of this judgment on par with similarly placed persons, who have retired from service. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,] [K.B., J]
19.06.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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