



W.P.No.15270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15270 of 2022
and W.M.P.No.14440 of 2022

1. S.Sathya
2. K.Thamaraikani
3. S.Chinnamani
4. V.Priyadharsini
5. M.Pugazhenth
6. M.Rajalaksmi

... Petitioners

-Vs-

1. The State of Tamil Nadu,
represented by the Secretary to Government,
Finance Department,
Fort St.George,
Chennai – 9.
2. The State of Tamil Nadu,
represented by the Agricultural Production
Commissioner and Secretary to Government,
Fort St.George,
Chennai – 9.
3. The Director of Agriculture,
Chepauk,
Chennai – 5.
4. The Additional Director of Agriculture,
(Personnel Management),
Office of the Director of Agriculture,
Chepauk, Chennai – 5.



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5. The Joint Director of Agriculture,
Cuddalore,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 14.11.2013 vide letter No.7790/AA4(2)/ 2012-5 passed by the second respondent and quash the same and consequently direct the Respondents to re-fix the pay and allowances on par with batch mates who had joined prior to 01.06.2009 and similarly placed Assistant Agricultural Officers (AAO) availed the benefits of G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 vide G.O.Ms.No.269, Agriculture (AA4(2) Department dated 21.11.2020 and subsequent amendment therein vide G.O.Ms.No.5, Agriculture (AA4(2) Department dated 08.01.2021 with all monetary and attendant benefits retrospectively in accordance with law.

For Petitioners : Mr.T.Arul
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 14.11.2013 vide letter No.7790/AA4(2)/ 2012-5 passed by the second respondent, thereby rejected the request made by the petitioner seeking equal pay on par with their batch mates, who had joined prior to 01.06.2009 and similarly placed Assistant Agricultural Officers.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were initially appointed to the post of Assistant Agricultural Officers by direct recruitment through Employment Exchange in Agriculture Department. The qualification for the said post is as follows:-

“ Rule 7(b)- Other qualification:- (for the post of Assistant Agricultural Officer)

- i) Must have passed S.S.L.C Examination,*
- ii) Must have passed either two years diploma course or two years Agricultural Science certificate course conducted by Sri Ramakrishna Vidyalaya, Perianaickenpalayam, Coimbatore District or by the Gandhigram Rural Institute, Gandhigram, Anna District or two years certificate course in Agriculture offered by Selesian Provincial Society at Sahayathottam.”*

4. In lieu of the above, the petitioners persuaded Diploma in Agriculture at the Tamil Nadu Agricultural University, Coimbatore. The Tamil Nadu Agricultural University by its proposal dated 10.12.2008 sent to the Government to recognize the Diploma in Agriculture awarded by their affiliated institutes as an eligible qualification for the post of Assistant Agricultural Officer. In turn, the third respondent also by its proceedings dated 22.01.2009 recommended the proposal of the Tamil Nadu Agricultural



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University to the second respondent. However, it was not considered so far and as such, the petitioners along with others who are similarly placed persons filed writ petitions with the prayer to select themselves for the post of Assistant Agricultural Officer. Pending writ petitions, the respondents conducted interview for the post of Assistant Agricultural Officer. This Court, disposed of the writ petitions, thereby directed to consider the proposal sent to the second respondent by the Tamil Nadu Agricultural University and the Director of Agriculture and pass orders, within a period of four weeks for approval. Aggrieved by the said order, writ appeals were filed. Pending writ appeals, the second respondent passed an order dated 11.07.2009 vide G.O.(Ms).No.120 Agriculture (UN) Department, thereby ordered to recognize the C.Subramaniam Institute of Agriculture. Thereafter, called for details of eligible and qualified candidates to fill up the vacancies. The petitioners and others had attended the interview and they were selected to the post of Assistant Agricultural Officer. However, it was challenged before this Court by various writ petitions and subsequently, the petitioners were appointed on 16.07.2010. Therefore, the petitioners sought for re-fixation of their pay and allowances on par with their batch mates who had joined prior to 01.06.2009 and similarly placed Assistant Agricultural Officer availed the benefits of G.O.Ms.No.340 Finance (Pay Cell)



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Department dated 26.08.2010 vide G.O.Ms.No.269, Agriculture (AA4(2)

Department dated 21.11.2020.

5. Similar issue was already dealt with by this Court in W.P.No.11450 of 2014 by an order dated 07.01.2022. The relevant portion of the order is extracted hereunder:-

“ 5. The learned counsel for the to the petitioners submitted that the recruitment notification was issued on 26.08.2008, through which 1707 vacancies of Assistant Agricultural Officers were called for through employment seniority and interview. The petitioners were selected by the TNPSC Department in July 2010 and forwarded the names to the recruiting authority. At the time appointment it is noted that the petitioners had completed their diploma in Agriculture from C.Subramaniam Institute of Agriculture, Tindivanam in Villupuram District. The said Institution was not included in the pre amended Service Rules to the post of Assistant Agricultural Officers in the Tamil Nadu Agricultural Extension Subordinate Service. Thereafter the petitioners along with others filed a petition before this Court for inclusion of C.Subramaniam Institute of Agriculture in the Special Rules and that subsequently the same was allowed by this Court. Thereafter, pursuant to the orders passed by this Court in W.A.No.981 of 2009 and W.P.(MD).No.8296 of 2008, the petitioners were appointed as Agricultural Officers during July 2010. Hence, the delay occurs only in issuing the appointment order to the petitioners.

6. The respondents filed counter affidavit stating that the petitioners were selected and appointed only after issuance of notification implementing the revised scales of pay vide G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009. Hence they are not eligible to claim the pre-revised



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scale of pay on par with their senior who were recruited and appointed prior to 01.06.2009. Hence, their claim was rejected.

7. In response, the learned counsel for the petitioners relied on the Judgement of this Court made in W.P.No.7144 of 2014 wherein in an identical situation, the similarly placed persons were allowed to get the relief as prayed for in the light of the orders passed by this Court in W.P.Nos.15378 to 15383 of 2013 dated 03.10.2019. In the orders passed in W.P.Nos.15378 to 15383 of 2013, this Court had held that where there is a delay due to administrative reason, the employees cannot be deprived of the benefits and it was held that the writ petitioners therein were also entitled for the same benefit. Accordingly, the benefits were extended to all the categories recruited by the Tamilnadu Public Service Commission prior to 01.06.2009 and joined on a subsequent date on or after 01.06.2009. Aggrieved, the Department preferred an appeal in W.A.No.1836 of 2021. By an order dated 04.08.2021, this Court had rejected the claim of the Department and confirmed the order of the learned Single Judge and directed the Government to extend the benefit of G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010 to the Writ Petitioners therein who are similarly placed persons as that of the petitioners herein. In the light of the aforesaid decision, the petitioners prayed for the aforesaid relief.

8. I have considered the rival submissions and perused the materials available on record.

9. A fair reading of the Judgment of the Division Bench of this Court dated 04.08.2021 made in W.A.No.1836 of 2021, clearly shows that if there is delay in appointment, due to administrative reasons, the employees cannot be deprived of the benefits which are extended to the persons in similar cadre. Hence, this Court is of the view that the petitioners herein also entitled for the relief sought for in the light of the orders passed in W.A.No.1836 of 2021, dated 04.08.2021. Therefore the respondent Department is directed to revise the scale of pay to the petitioners on par with their batch mates appointed prior to 01.06.2009 in the light of the W.A.No.1836 of 2021 and G.O.Ms.No.340, Finance (Pay Cell) Department, dated



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26.08.2010. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this Order.”

6. In view of the above, the order impugned in this writ petition cannot be sustained and it is liable to be quashed. Accordingly, the impugned order dated 14.11.2013 vide letter No.7790/AA4(2)/ 2012-5 passed by the second respondent, is hereby quashed. The respondents are directed to re-fix the pay and allowances on par with batch mates who had joined prior to 01.06.2009 in the light of the Judgment passed in W.A.No.1836 of 2021 dated 04.08.2021, G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 and G.O.Ms.No.269, Agriculture (AA4(2) Department dated 21.11.2020, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

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(½)

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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The State of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai – 9.
2. The Agricultural Production
Commissioner and Secretary to Government,
The State of Tamil Nadu,
Fort St.George,
Chennai – 9.
3. The Director of Agriculture,
Chepauk,
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4. The Additional Director of Agriculture,
(Personnel Management),
Office of the Director of Agriculture,
Chepauk, Chennai – 5.
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