



W.P.(MD)No.6267 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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1. K.Sivaramanathan
2. K.Ananthakumar
3. S.Thirumalaikumar
4. S.Govindarajan
5. P.Balu
6. S.T.Ramesh
7. M.Madhavan
8. S.P.Muthuguru
9. K.Thangaraj
- 10.K.Rameshkumar

.. Petitioner

Vs.

1. State of Tamil Nadu, Rep. by,
its, Agricultural Production Commissioner and



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Principal Secretary to the Government,
Department of Agriculture,
Fort St.George, Chennai-9.

2. State of Tamil Nadu, Rep. by,
its Additional Chief Secretary to Government,
Department of Finance,
Fort St.,George,
Chennai-9.

3. The Commissioner of Agriculture,
O/o.The Commissioner of Agriculture,
Chepauk,
Chennai-5.

4. The Director of Agriculture,
O/o.The Director of Agriculture,
Marketing and Agriculture Business,
Guindy,
Chennai-32.

5. The Director of Horticulture,
O/o.The Director of Horticulture and
Plantation Crops,
Chepauk,
Chennai-5.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to the impugned order in G.O.(D) No.158 Agriculture (AA4(2)



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Department dated 11.09.2020 on the file of the respondent No.1 and quash the same as illegal and consequently for a direction, directing the respondents to re-fix the petitioners' salary in the pay band of Rs.9300-4200 GP on parity with the similarly placed employees of other departments of State Government with effect from 11.02.2014 and further fix the petitioners' salary as per 7th Pay Commission Recommendation in the light of the Government Order in G.O.(Ms).No.30, Agriculture Department dated 11.02.2014 within the time frame that may be fixed by this Court.

For Petitioners : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

The petitioners, who are all working as Assistant Agricultural Officers and Assistant Horticulture Officers, approached this Court by filing the writ petition in WP(MD)No.20895 of 2017 on an earlier occasion. This



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Court, by order, dated 22.03.2019 directed the respondents to consider the claim of the petitioners for fixation of their pay on par with the Lab Assistant in other Departments, in respect of whom, educational qualification was fixed as +2 and Diploma. The basis for the petitioners to make such a claim is that the qualification for the post of Assistant Agricultural Officer also was fixed as +2 qualification with Diploma in Agriculture. However, the pay of the Assistant Agricultural Officer is fixed at Rs.5,200 - Rs.20200/- whereas the basic pay of the Lab Assistant, Junior Drafting Officer, Pharmacist, Diary Extension Assistant Officer is fixed at Rs.9,300- Rs.34,800/-, though the educational qualification of the above said posts is also +2 qualification along with a Diploma. The said claim of the petitioners was stated to have been considered after affording the opportunity of personal hearing to the petitioners before the Director of Agriculture and finally the claim of the petitioners was rejected by the Government by issuing impugned Government Order in G.O.Ms.No.158 dated 11.09.2020 the operative portion of the said Government Order reads as under:

“6. The Government after careful examination of the orders of the Hon'ble Madurai Bench of Madras High



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Court, dated 22.03.2019 in W.P(MD)No.20895 of 2017 and their request during personal hearing on 14.06.2019 to re-fix their pay in the pay band of Rs.9300-34800+G.P. 4200 on parity with the similarly placed employees of other departments of State Government w.e.f. 11.02.2014 and further fix the petitioners' salary as per 7th Pay Commission recommendation with reference to the various Supreme Court Judgements as detailed at para-5 above and accordingly decide that the request of the petitioners is not feasible of compliance and the same is rejected.”

2. From the above, though the claim of the petitioners is stated to have been considered by the first respondent, absolutely no reasons are furnished for negating the claim of the petitioners in the impugned Government Order and there is nothing mentioned in the paragraph extracted above. The said order is an unreasoned order. However, in the counter affidavit filed by the respondents 1 to 5, the respondents tried to justify their action in issuing the impugned Government Order, but nothing is reflected in the impugned Government order. It is settled law that an order passed by the authority is to stand or fall on the reasons mentioned in the said order. But the



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reasons cannot be permitted to be supplemented to sustain the order passed by the authorities and the same is settled legal position.

3. Mr.T.Ajmal Khan, learned Senior Counsel appearing for the petitioners also laid serious emphasis on this aspect and prayed for remanding the matter back to the respondent Government for reconsideration and for passing orders afresh by duly assigning the reasons on considering the claim of the petitioners in proper perspective. The learned Senior Counsel further submitted that it is not only on the ground of clarity in qualification, the petitioners' claim for fixation of their pay is also basing on the nature of the duties which are similar and the risks are also similar. Be that as it may, these are all matters to be considered by the Government, but not by this Court.

4. In the circumstances, this Court is of the considered view that it is a fit case where the matter can be remanded back to the first respondent to reconsider the matter afresh in accordance with law. Accordingly, the impugned order is set aside. The matter is remanded back to the first



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respondent for considering the case of the petitioners afresh in fixing the pay and for passing orders afresh by duly assigning reasons in case their claim is not considered. The first respondent is directed to pass appropriate orders as early as possible, at any rate, within a period of four months from the date of receipt of a copy of this order

5. Accordingly, the Writ Petition is allowed to the extent indicated above. No Costs.

21.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
PJL

To
1. The Agricultural Production Commissioner and
Principal Secretary to the Government,
State of Tamil Nadu,
Department of Agriculture,
Fort St.George,
Chennai-9.



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2., The Additional Chief Secretary to Government,
State of Tamil Nadu,
Department of Finance,
Fort St., George, Chennai-9.

3. The Commissioner of Agriculture,
O/o.The Commissioner of Agriculture,
Chepauk, Chennai-5.

4. The Director of Agriculture,
O/o.The Director of Agriculture,
Marketing and Agriculture Business,
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MUMMINENI SUDHEER KUMAR, J.

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