



W.P.(MD).No.6484 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6484 of 2024

K.Pitchaimuthu

...Petitioner

Vs.

1. The Agricultural Production
Commissioner and Principal,
Secretary to Government,
Department of Agriculture,
Secretariat, Chennai-600 009.

2. The Director of Agriculture,
Ezhilagam, Chepauk,
Chennai-600 005.

3. The Joint Director of Agriculture,
Collectorate Complex,
Karur-630 562.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent i.e., the Director of Agriculture, Chennai to refix the petitioner's scale of pay in the cadre of Deputy Agriculture Officer as per the proposals sent by the Joint Director of Agriculture, Karur in his letter க.எண்.அ 1/ 2646 / 2022 நாள் :



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22.06.2022 as per Government letter No.22508/ FR-I / 2019-1 dated 03.09.2019 within a specified time frame and get the ratification from the Government and to send revised pension proposals to the Accountant General, Chennai within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.J.John Rajadurai,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the the 2nd respondent to refix the petitioner's scale of pay in the cadre of Deputy Agriculture Officer as per the proposals sent by the Joint Director of Agriculture, Karur vide his letter dated 22.06.2022, as per Government letter dated 03.09.2019 and get the ratification from the Government and to send revised pension proposals to the Accountant General, Chennai.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was lastly serving as Deputy Agriculture Officer in the office of the Assistant Director of Agriculture, Aravakurichi, Karur District. On attaining the age of superannuation, he retired on 31.03.2015. The anomaly of junior getting more pay than seniors crept in the petitioner's case on 01.10.2010 in the post of Deputy Agriculture Officer in the revised scale of pay. The Government in letter No.3062/AA4(2)/2014-5 dated 11.12.2014 accepted that due to restructuring at the department, the seniors were directly promoted as Deputy Agricultural Officer on administrative grounds and therefore, the higher quantum of pay benefit accrued by the juniors cannot be denied to the seniors merely on the ground that there is no provision in the Fundamental Rule to rectify this anomaly. Following which, the Government also issued no objection order to refix the pay of seniors in this case with effect from 01.01.2010 and gave direction to the Director of Agriculture, Chennai to rectify the anomalies at his level for the post of Deputy Agricultural Officer under the ambit of Rule 5(2) of Tamil Nadu Revised Scale of Pay Rules, 2009. Based on the above said orders, the Joint Director of Agriculture, Karur vide his letter



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dated 22.06.2022 had sent proposals to the Director of Agriculture, Chennai for refixing the petitioner's pay in the cadre of Deputy Agriculture Officer on par with his junior. However, the same was not considered. Hence, this writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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 respondent 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, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court hereby direct the 2nd respondent to dispose of the proposal which had been forwarded by the 3rd



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respondent with respect to refix the petitioner's scale of pay and pass appropriate orders in accordance with law 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. No costs.

18.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

Sml

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