



W.P.(MD).No.7108 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.7108 of 2024

S.Jeyalakshmi

... Petitioner

Vs.

1.The Director,
Animal Husbandry and
Veterinary Services Department,
Central Office Building,
Chennai – 600 006.

2.The Deputy Director,
Cattle Breeding and Fodder Development,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Na.Ka.No. 1791/Aa/2018, dated 01.03.2023 and quash the same and consequently direct the respondents to disburse the arrears of salary as per proposal dated 07.12.2018.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.Ramesh Kumar
Government Advocate



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ORDER

This Writ Petition has been filed seeking to quash the order dated 01.03.2023 passed by the second respondent and consequently direct the respondents to disburse the arrears of salary as per proposal dated 07.12.2018.

2. Heard Mr.G.Karnan, learned counsel for the petitioner and Mr.Ramesh Kumar, learned Government Advocate for the respondents.

3. Mr.G.Karnan, learned counsel for the petitioner submitted that the petitioner was appointed on 09.07.2003 as a Junior Assistant on consolidated payment at Collector Office, Sivagangai. Subsequently, the Tamil Nadu Public Service Commission has conducted the examination for the post of regular Junior Assistant on 17.02.2008 for the service people who are working under consolidated basis from 2003 onwards. The petitioner was selected provisionally for the said post through the above examination and proceedings have been issued in this regard on 02.02.2010, wherein the petitioner's name was found in Serial No.38 in the office of the second respondent. Accordingly, the petitioner joined at the second respondent office on 10.02.2010 and



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discharged her duties. However, the petitioner's salary was fixed at Rs.5200-20200+2000GP. However, the petitioner claims that she is entitled to get the Grade Pay of Rs.2400/- in view of the recommendation of One Man Commission and to revise the pay scale of Rs.2000/- in respect of Junior Assistant / Agricultural Officers. In pursuant to the above recommendation, the Government issued G.O.(Ms).No.340 Finance (Pay Cell) Department dated 26.08.2010 in which it is stated that the persons who are all selected and joined duty after 01.06.2009 are also entitled as the persons joined before 01.06.2009. The petitioner would come under the purview of the above Government Order. Therefore, the second respondent vide order dated 07.12.2018 has refixed the salary of the petitioner and hence, the petitioner is entitled for revision of pay.

4. Despite the proposal sent by the second respondent on 07.12.2018, subsequently, the same was cancelled by him through impugned proceedings dated 01.03.2023. Having recommended at the earlier instance, the second respondent has chosen to cancel his own proposal but without stating any detailed reasons. The copy of the earlier proceedings dated 07.12.2018 was served upon the petitioner and the petitioner came to understand that she is entitled to the benefits of G.O.Ms.No.340 dated 26.08.2010. The impugned order has been passed without giving any notice to the petitioner. If the second



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respondent had given notice before cancelling the earlier proposal, that would have served the interest of the petitioner and the petitioner could have made her effective defence.

5. Since the impugned order has been passed behind the back of the petitioner and without stating any reasons in a detailed manner, the same is liable to be set aside.

6. In the result, the Writ Petition is **allowed** and the impugned order dated 01.03.2023 is quashed. However, the respondents are at liberty to issue notice to the petitioner and give her an opportunity to offer her explanation and then pass orders afresh. No costs.

17.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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