



W.P.(MD)No.11537 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11537 of 2024

A.S.Ramachandran

... Petitioner

vs.

1.The Secretary to Government,
Department of Agriculture,
Secretariat, St.George Fort,
Chennai - 600 109.

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

3.The Joint Director of Agriculture,
Dindukkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the third respondent in No.A3/9604/2021 dated 29.12.2023, quash the same and consequently direct the respondents to re-fix the petitioner's pay and allowance as provided under the Proceedings No.A3/18343/2010 (1) dated 29.02.2012 and pay the same to the petitioner from the date he joined the service, i.e., 21.07.2009.

For Petitioner : Mr.V.M.G.Ramakannan



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For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.V.M.G.Ramakannan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the third respondent in No.A3/9604/2021 dated 29.12.2023, quash the same and consequently direct the respondents to re-fix his pay and allowance as provided under the Proceedings No.A3/18343/2010 (1) dated 29.02.2012 and pay the same to him from the date of his joining service, i.e., 21.07.2009.

3. The petitioner is working as an Assistant Agriculture Officer at the office of Eriyodu Headquartes, Vendasandhoor. Despite the petitioner attended the interview as early as on 29.01.2009 along with



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other candidates, his appointment order was issued to him only on 21.07.2009 due to administrative delay. Hence, the petitioner was able to join duty only on 21.07.2009. The petitioner was not given with the benefit of G.O.Ms.No.340, Finance (PC) Department, dated 26.08.2010 which was extended to other appointees of the same recruitment. The representation given by the writ petition in this regard was rejected. Hence, the writ petition.

4. Mr.V.M.G.Ramakannan, learned counsel appearing for the petitioner submitted that a similarly placed person has already filed a writ petition before the Principal Seat of this Court in ***W.P.No.22357 of 2013 [M.Kugan vs. 1.The Secretary to Government, Department of Agriculture, Secretariat, St.George Fort, Chennai - 600 109 and others]*** and vide order dated 04.03.2022, the writ petition was allowed.

5. The Government Order in G.O.Ms.No.340, Finance (PC) Department, dated 26.08.2010 has been issued in pursuant to the recommendation of One Man Commission to re-fix the pay anomaly



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resulted due to the revised pay implementation. The said Government Order set right the disparity between those employees who joined on or after 01.06.2009 and in whose joining, there is a delay occurred due to administrative reasons like late relieving, etc.

6. The petitioner's grievance is that the appointment order has been issued to him belatedly despite he was selected along with 1595 other similarly qualified candidates and that caused the delay in joining the service. Hence, the petitioner claims that the Fitment Table that is applicable to other employees, is applicable to him also. The earlier writ petition filed by a similarly placed person in *W.P.No.22357 of 2013 (cited supra)* also has dealt the same issue. In fact, the above writ petition relied on the writ petitions in W.P.(MD)Nos.15375 to 15383 of 2013, wherein, orders has been passed on 03.10.2019 to re-fix the pay allowance of the petitioners therein on par with their co-workers who were recruited in the same recruitment, by giving the benefit of G.O.Ms.No.340, Finance (PC) Department, dated 26.08.2010. In the said order, it has been observed as under.



"7.After admitting that the delay in appointment was purely due to Administrative reasons, it may not be proper for the respondent to pass the impugned order as reproduced earlier. Similarly placed Government servants were given the benefit of G.O.Ms.No.340, dated 26.08.2010. Even though the petitioners were appointed after the crucial date, the selection was pursuant to the same/single process and the delay in petitioners' appointment was due to administrative reasons, particularly in view of the pendency of the court proceedings, as it is admitted by the respondents. As per G.O.Ms.No.340 Finance (Pay cell Department), dated 26.08.2010, the benefit was extended to all categories of posts recorded by the TNPSC in the same page prior to 01.06.2009 and joined on subsequent date on or after 01.06.2009 due to administrative reasons. When the Government order itself has been read and understood by the respondents earlier in some of their communications rightly, the impugned order ignoring the facts, purpose and object of G.O.Ms.No.340 is liable to be quashed. The petitioners who were to be appointed before 01.06.2009 were appointed some time later not on account of their fault or lapse, but due to administrative reasons which can be explained only by the concerned authorities.

8.It is also brought to the notice of this Court that the respondents have extended the benefit of G.O.Ms.No.340, in



respect of two other persons who were also appointed in 2013 and that the delay in their appointment is due to administrative reasons. Further the petitioners have also produced the copy of the documents to show that seven other persons who were appointed after 01.06.2009, were also given the benefit of G.O.Ms.No.340, 26.08.2010. As a matter of fact, the prayer in all the writ petitions also based on the relief that was granted to similarly placed persons. Hence, the petitioners are entitled to the relief as prayed for.

9. Accordingly, these writ petitions are allowed and the impugned orders dated 14.11.2013, which are passed by the first respondent in the respective writ petitions are set aside. The respondents are directed to re-fix the pay and allowance on par with the petitioners' batch-mates who had joined prior to 01.06.2009 and who were given the benefit of G.O.Ms.No. 340, dated 26.08.2010 with all monetary benefits and attendant benefits. This exercise shall be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order. no costs. consequently, connected miscellaneous petitions are closed."

7. The aforesaid Judgment is squarely applicable to the facts of the present case. The impugned order has been passed by rejecting the



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representation of the petitioner, by not properly construing the import of G.O.Ms.No.340, Finance (PC) Department, dated 26.08.2010 and by overlooking the earlier judicial pronouncements in this regard. Hence, I feel that the impugned order is liable to be quashed and the petitioner is entitled to the relief sought for by him.

8. In view of the above stated reasons, the writ petition is **allowed** and impugned order of the third respondent in Proceedings No.A3/9604/2021 dated 29.12.2023 is quashed and the respondents are directed to re-fix the petitioner's pay and allowance as per the proceedings No.A3/18343/2010 (1) dated 29.02.2012 *w.e.f.* the date of his joining the service *i.e.*, 21.07.2009 with all monetary and attendant benefits. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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To

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R.N.MANJULA, J.

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