



WP(MD) No.19416 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2024

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THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.19416 of 2021

A.Karuppan

... Petitioner

Vs.

1.The Agricultural Production
Commissioner and Principal,
Secretary to Government,
Department of Agriculture,
Secretariat, Chennai-600009.

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

3.The Joint Director of Agriculture,
Periyar Nagar, Road,
Near New Bus Stand,
Pudukkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the 2nd respondent i.e., the Director of Agriculture, Chennai to send proposals for obtaining ratification of the Government based on the proposals sent by the Joint Director of



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Agriculture, Pudukottai in his letter No.A6/1815/2019 dated 17.07.2020 within a specified time frame and the 1st respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai may also be directed to pass appropriate orders on the proposals to be sent by the Director of Agriculture, Chennai, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.NA.GA.Nataraj,
Govt. Advocate.

ORDER

The petitioner, who served as Watchman in the office of the third respondent from 05.11.1983, retired from service on attaining the age of superannuation on 31.05.2017. Thereafter, the petitioner having realised that one C.Palanivel, who is junior to the petitioner in the cadre of Watchman, working in the office of the Joint Director of Agriculture, Pudukkottai, made a claim for re-fixation of his pay and the said claim of the petitioner was accepted by the third respondent and a proposal was submitted to the second respondent in proceedings No.A6/10532/2015,



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dated 09.11.2017 recommending for re-fixation of pay of the petitioner on par with his junior and the same was forwarded to the Accountant General, Chennai for further action. But the same was returned to the respondents 2 and 3 for taking prior approval of the Government in order to allow re-fixing of pay and pension of the petitioner through letter No.P07/3/10720424/ADK, dated 27.12.2018. Thereafter, the said proposal is stated to have been submitted to the Government but so far, no orders have been passed. Aggrieved by such inaction on the part of the respondents, the petitioner has approached this Court by filing this Writ Petition.

2. The third respondent has filed a counter affidavit stating that the second respondent has already submitted a proposal to the Government and orders are awaited from the first respondent. It is also clear from the counter affidavit that the entitlement of the petitioner to draw pension on par with his junior viz., C.Palanivel, who also retired from the office of the third respondent appears to be not in dispute.



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3. In the circumstances, this Writ Petition is disposed of directing the respondents to take immediate steps for passing appropriate orders on the claim of the petitioner for re-fixation of pay and pension on par with his junior and pass appropriate orders as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

20.02.2024

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

vsm



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