



W.P.(MD).No.22317 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22317 of 2021

S.Simson

...Petitioner

Vs.

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

2.The Commissioner of Agri Business
and Agricultural Marketing,
Thiru.Vi.Ka.Salai,
Industrial Estate,
Guindy,
Chennai-600 032.

3.The Deputy Director of Agricultural
Marketing and Agri Business,
N.K.Road,
Near Uzhavar Santhai,
Thanjavur-613 011.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent i.e., the Deputy Director of Agricultural Marketing and Agri Business, Thanjavur to send proposals in the format prescribed as per Government letter No.3062/AA4(2)/2014-5 dated 11.12.2014, within a specified time frame and the second respondent i.e., the Commissioner of Agri Business and Agri Marketing, Chennai may be directed to refix the pay on par with the petitioner's junior on receipt of the proposals within a specified time frame and submit proposals to the Government for approval 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.C.Satheesh,
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 3rd respondent i.e., the Deputy Director of Agricultural Marketing and Agri Business, Thanjavur to send proposals in the format prescribed as per Government letter No.3062/AA4(2)/2014-5 dated 11.12.2014, within a specified time frame and the second respondent i.e., the Commissioner of Agri



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Business and Agri Marketing, Chennai may be directed to refix the pay on par with the petitioner's junior on receipt of the proposals within a specified time frame and submit proposals to the Government for approval and to send revised pension proposals to the Accountant General, Chennai..

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

The petitioner was lastly serving as Deputy Agricultural Officer, Pattukottai under the control of Deputy Director of Agriculture Marketing, Thanjavur. On attaining the age of superannuation on 30.11.2013, he was allowed to retire peacefully and thereafter, he was receiving pension. The anomaly of junior getting more pay than the seniors crept in his case on 01.01.2010 in the post of Deputy Agricultural Officer in the revised scale of pay. The Government in letter dated 11.12.2014 clearly accepted that due to restructuring of the department, the seniors were directly promoted as Deputy Agricultural Officers which is purely on administrative grounds not on the fault of the seniors concerned and therefore, the higher quantum of pay benefit accrued by the juniors cannot be denied to the seniors merely on the ground



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there is no provision in the fundamental Rule to rectify the said anomaly.

Further, the Government issued orders that there is no objection to refix the pay scale of Rs.18,000/- + Grade Pay of Rs.4,700/- with effect from 01.01.2010. A direction was also given 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 Scales of Pay Rules, 2009. The petitioner made an application on 12.07.2021 to the Deputy Director of Agricultural Marketing and Agri Business, Thanjavur for refixing his pay on par with his junior. Since the same was not considered, the present writ petition came to be filed.

3. The learned Special Government Pleader appearing for the respondents submitted that his application would be duly processed.

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



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5. The learned counsel appearing for the petitioner drew my attention to the order passed by this Court in W.P.(MD)No.1159 of 2020 dated 22.01.2020 wherein this Court has dealt with the similar issue where positive orders were passed to the petitioner thereat. Pursuant to the said order of this Court, vide G.O.(2D).No.19 dated 26.02.2021 of the Agriculture / AA4(2) department, the pay anomaly which had arisen between the senior and junior can be rectified.

6. In view of the same, this Court hereby direct the 3rd respondent to consider the petitioner's application dated 12.07.2021 in the line of the order passed by this Court in W.P.(MD)No.1159 of 2020 batch and G.O.(2D).No.19 dated 26.02.2021 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

10.04.2024

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



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L.VICTORIA GOWRI, J.

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