



W.P. No. 6102 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

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THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 6102 of 2019

P.Chinnamani

... Petitioner

-VS-

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

2. The Commissioner of Agriculture
Chepauk, Chennai – 600005.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the first respondent to extend the benefit sanctioned in G.O.(2D). 19 Agriculture Department dated 01.03.2016 to the petitioner also by including the service rendered by him in the erstwhile Tamil Nadu State Farms Corporation along with the service rendered by him in the Agricultural Department as he is a similarly placed person.

For Petitioner : Mr.V.S.Jegadeesan

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This writ petition has been filed seeking for a direction to the first respondent to extend the benefit sanctioned in G.O.(2D). 19 Agriculture Department dated 01.03.2016 to the petitioner also by including the service



W.P. No. 6102 of 2019

rendered by him in the erstwhile Tamil Nadu State Farms Corporation along

with the service rendered by him in the Agricultural Department as he is a similarly placed person.

2. Heard Mr.V.S.Jegadeesan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner was appointed as Store Keeper /Agricultural Assistant in the erstwhile Tamil Nadu State Farms Corporation and joined in the said Corporation on 03.12.1977. The Government of Tamil Nadu has taken a policy decision to close the Tamil Nadu State Farms Corporation with effect from 31.08.1982. Subsequent to the closure of the Corporation, the staff working in the above Corporation were transferred and absorbed in the Agriculture Department in terms of G.O.Ms.No.2008 Agricultural Department dated 13.09.1982. This petitioner joined as Assistant Agricultural Officer on 08.10.1982 and thereafter, he was promoted as Deputy Agricultural Officer on 03.01.2008 and retired on superannuation on 30.06.2010. The petitioner has given representation stating that his past services should be included for the



W.P. No. 6102 of 2019

purpose of counting the qualifying services for pensionary services.

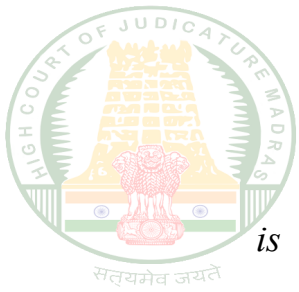
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4. The learned counsel for the petitioner submitted that the some of the persons similar to the petitioner in the erstwhile Tamil Nadu State Farms Corporation had filed writ petitions in W.P. No.16055 of 2013 and W.P. No. 470 of 2014 to count their past services for pensionary benefits and the same has been allowed. In view of the implementation of the above orders, the Government has also issued an order in G.O.(2D).19 Agricultural Department dated 01.03.2016.

5. The orders passed in W.P. No. 16055 of 2013 on 17.02.2014 a reference was made about the earlier judgment of the Division Bench of this Court dated 17.02.2014 made in W.A. No. 302 of 2008 and it is further observed that the order passed in W.A. No. 302 of 2008 has been challenged by way of preferring an SLP before the Supreme Court and that was also dismissed.

6. For the sake of clarity the said part of the above order is extracted as under:-

“3. Both the learned counsel for the petitioners as well as the learned Government Advocate submitted that the issued raised



W.P. No. 6102 of 2019

is decided by the judgment of this Court, wherein the
Honourable Division Bench of this Court in Writ Appeal No.

302 of 2008 dated 18.07.2008 was pleased to held as follows:-

“17. Even though the respondent herein has prayed, in the writ petition, to apply G.O.Ms.No.118, Finance (Pension) Department, dated 14.02.1996, and the learned Single Judge has also ordered so, for all the above reasons and further, in view of the said undertaking given by the respondent /employee to deposit the terminal benefits like Gratuity, Employees Contribution to EPF etc. received by him from the TAPCO, we consider it appropriate to direct the appellants to treat the case of the respondent /employee as similar to that of the employees of four boat building yards and apply the benefits of G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003 to the respondent /employee also, since being more beneficial to the employee. However, option of the respondent /employee has to be sought for between G.O.Ms.No.118, Finance (Pension) Department, dated 14.02.1996 and



W.P. No. 6102 of 2019

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G.O.Ms.No.86, Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003. The appellants are directed to pass suitable orders to this effect within a period of eight weeks from the date of receipt of a copy of this order”

4. *It is also seen that the Special Leave Petition filed against the order of the Writ Appeal was dismissed, confirming the order passed in Writ Appeal No.302 of 2008 dated 18.07.2008. In such a view of the matter, the Writ Petition is allowed. Accordingly, the first respondent is directed to sanction the benefits granted in G.O. Ms. No. 86, Animal Husbandry and Fisheries (FS-V) Department dated 14.08.2003, to the petitioners by taking into consideration of their option in the light of the judgment of 18.07.2008, within a period of three months from the date of receipt of a copy of this order. No costs.”*

The petitioner has claimed that they can also be extended with the similar benefits. As submitted by the petitioner, the Government had also been passed in respect of certain individuals similar to the petitioner in G.O.(2D).19 Agricultural Department dated 01.03.2016 for including their past services in



W.P. No. 6102 of 2019

the Corporation for the purpose of pensionary benefits.

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7. In view of the same, this writ petition is disposed and the first respondent is directed to extend the benefit sanctioned in G.O.(2D). 19 Agriculture Department dated 01.03.2016, to the petitioner also by including the service rendered by him in the erstwhile Tamil Nadu State Farms Corporation along with the service rendered by him in the Agricultural Department as he is a similarly placed person within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law. No costs.

06.03.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. Principal Secretary to Government and
Agricultural Production Commissioner
Agriculture Department
Secretariat, Chennai – 600009.
2. The Commissioner of Agriculture
Chepauk, Chennai – 600005.



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W.P. No. 6102 of 2019

R.N.MANJULA, J.

Maya

W.P. No. 6102 of 2019

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