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W.A.No.755 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

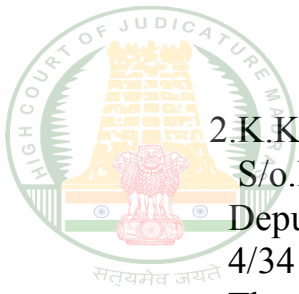
**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.755 of 2025
and
C.M.P.No.6358 of 2025**

- 1.State of Tamil Nadu,
Rep. by its Secretary-cum-
Agricultural Production Commissioner,
The Secretariat, Chepauk,
Chennai - 600 005.
 - 2.Director of Agriculture,
Chepauk, Chennai - 600 005.
 - 3.Director of Horticulture and Plantation,
Guindy, Chennai - 600 032.
 - 4.The Deputy Director of Horticulture and Plantation,
Office of the District Collector,
Siluvampatti (PO),
Namakkal.
- Appellants

versus

- 1.N.Anbalagan,
S/o.T.N.Natesan,
Deputy Agriculture Officer (Retd),
15, Eri North Block No.1, P.S.Thottam,
Koneripattai Extension, Raasipuram,
Namakkal - 637 408.



2.K.Krishnasamy,
S/o.M.Govindasamy,
Deputy Agriculture Officer (Retd),
4/341-D, Anna Nagar West,
Thuraiyur Main Road,
Sendamangalam Taluk,
Namakkal District - 637 002.

3.S.Thiagarajan,
S/o.E.Somasundaram,
Deputy Agriculture Officer (Retd),
69, Vallalar Salai, Raasipuram,
Namakkal District - 637 408.

4.The Accountant General (Accounts & Entitlement),
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.

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Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.27751 of 2022 dated 22.11.2023.

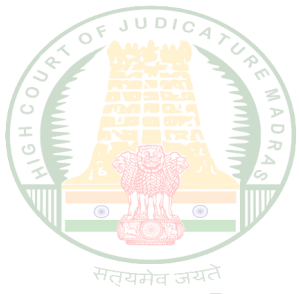
For Appellants : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mrs.V.Yamuna Devi
Special Government Pleader

For Respondents : Mrs.J.Sree Vidhya
Standing Counsel - R4

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the order of the Writ Court made in
W.P.No.27751 of 2022 dated 22.11.2023.



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2. The respondents who were serving in the Agriculture Department and had retired came to know that one of their juniors, namely V.Manickam, is receiving higher pension as a result of grant of increments to him by proceedings dated 01.11.2012. The respondents who are admittedly seniors to the said Manickam sought for stepping up of their pay so that the anomaly, namely a junior drawing more pension than his seniors, is rectified. The same was rejected by the Government on the ground that the respondents have been promoted as Deputy Agricultural Officers and they have passed the required tests only after the said promotion and therefore, they are not entitled to the increments.

3. A learned single Judge rejected the said contention on the ground that the order granting increments to Manickam on 01.11.2012 was made when he was in the rank of Assistant Agricultural Officer and after his promotion as Deputy Agricultural Officer, his pay was fixed at a higher rate since he was drawing more as Assistant Agricultural Officer.

4. It is not in dispute that the respondents also served as Assistant Agricultural Officers and if their pay is stepped up to be on equal terms with



the pay fixed for Manickam by the proceedings dated 01.11.2012, the respondents would also be entitled to higher pension. On the above conclusion, the learned single Judge allowed the writ petition. Aggrieved, the State is on appeal.

5. Heard Mr.R.Neelakandan, learned Additional Advocate General, instructed by Mrs.V.Yamuna Devi, learned Special Government Pleader, appearing for the appellants.

6. Though Mr.R.Neelakandan, learned Additional Advocate General would contend that the very order granting increments to Manickam on 01.11.2012 is erroneous since he had not passed the required test, therefore the respondents would not be entitled to the benefit of the same order.

7. In fact, while rejecting the claim of the respondents by order dated 01.11.2012, the Deputy Director of Agriculture had stated that the Manickam's pay was wrongly fixed and steps have been taken to re-fix the same. To our query as to whether any order has been passed, Mr.R.Neelakandan, learned Additional Advocate General, would submit that



no order has been passed. Such an exercise cannot be carried out at this distant point of time, more so when Manickam has also retired. Once Manickam was awarded a higher pension, the respondents would also be entitled to the same.

8. Hence, we do not find any merit in the Writ Appeal. The Writ Appeal therefore fails and it is accordingly ***dismissed***. Eight (8) weeks time is granted to the Government to comply with the orders issued by the learned single Judge. No costs. Consequently, the connected Miscellaneous Petition is closed.

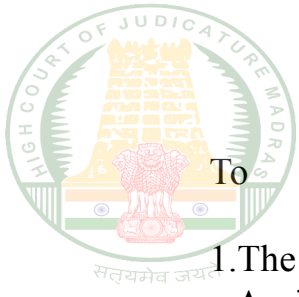
(R.S.M., J.) (G.A.M., J.)
27.03.2025

Speaking order

Index : No

Neutral Citation : No

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To

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