

W.P.(MD)No.6413 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.6413 of 2025

V.Asokan

... Petitioner

Vs.

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

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

3.The Joint Director of Agriculture,
Melakanmoi Street,
Tallakulam,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent I.e.,the Director of Agriculture, Chennai to refix the petitioner's scale of pay in the cadre of Assistant Seed Officer with effect from 01.02.2006 as per the proposals sent by the Joint Director of Agriculture, Madurai in his Letter No.புநி.1/18774/2016, dated 29.06.2020 and get the ratification from the Government and to sent revised pension proposals to the Accountant General, Chennai within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus directing the second respondent to re-fix the petitioner's scale of pay in the cadre of Assistant Seed Officer with effect from 01.02.2006 as per the proposals sent by the third respondent, dated 29.06.2020 and get the ratification from the Government and to send revised pension proposals to the Accountant General, Chennai.

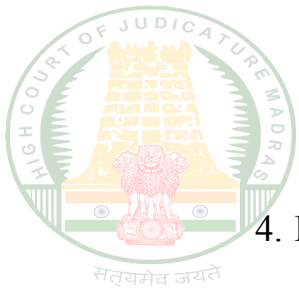
2. The petitioner served as a Deputy Agriculture Officer in the office of the Assistant Director of Agriculture, Alanganallur, Madurai District. He retired from service on 31.07.2016 on attaining the age of superannuation. The anomaly of junior getting more pay than senior crept in the case of the petitioner on 01.02.2006 in the post of Assistant Seed Officer in the revised scale of pay. The third respondent in his letter, dated 29.06.2020 has re-fixed the scale of the petitioner and sent proposals to the second respondent. Now, the second respondent has to pass orders by re-fixing the pay in the cadre of Assistant Seed



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Officer as per the proposal sent by the third respondent. Hence, the petitioner filed a writ petition in W.P(MD)No.17459 of 2021 before this Court. This Court allowed the writ petition on 07.10.2021 and directed the second respondent to forward the proposals received from the third respondent to the first respondent within a period of six weeks from the date of receipt of a copy of this order and directed the first respondent to pass appropriate orders of ratification within a period of six months from the date of receipt of the proposal. But the respondents 1 and 2 did not comply the order of this Court. Aggrieved by the same, he filed this writ petition seeking direction to the respondents 1 and 2 as ordered in the order, dated 07.10.2021 in W.P(MD)No.17549 of 2021.

3. Having considered the entire materials available on record, it is an admitted fact that he was seeking the same relief in earlier writ petition in W.P(MD)No.17459 of 2021. The said writ petition was allowed by this Court on 07.10.2021 with a direction to the second respondent to forward the proposal and the first respondent was directed to pass appropriate orders of ratification within the time stipulated in the said order. Filing the present writ petition seeking the same relief is not maintainable.



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4. If the order of this Court in the earlier writ petition is not complied by the respondents, it is for the petitioner to proceed against them by initiating proceedings under Contempt of Court Act. In this case, the principle of *Res judicata* applies.

5. Accordingly, the writ petition is dismissed. No costs.

11.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

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and Principal Secretary to Government,
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BATTU DEVANAND, J.

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