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W.A.(MD)NO.1848 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1848 of 2025 AND

C.M.P.(MD)No.10467 of 2025

1. The Secretary to Government,
Department of Agriculture,
Secretariat, St.George Fort,
Chennai – 600 109.
2. The Commissioner of Agriculture,
Chepauk, Chennai -600 005.
3. The Joint Director of Agriculture,
Dindigul District. ... Appellants/Respondents

Vs.

A.S.Ramachandran ... Respondent/Writ petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 04.06.2024 made in W.P.(MD)No.11537 of 2024 and allow this writ appeal.

For Appellants : Mr.A.Kannan,
Additional Government Pleader.

For Respondent : Mr.T.Aswin Rajasimman

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**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

It is conceded that the case on hand is covered by the order of the Hon'ble Division Bench made in W.A.No.1836 of 2021 etc. dated 04.08.2021. Paragraph Nos.6 to 9 of the said order is as follows:-

“6. The learned single Judge, who heard the matter, based on the order passed in an identical issue, which was considered by this court in ***W.P. Nos.15378 to 15383 of 2013 dated 03.10.2019 in P.Kalimuthu and others Vs. State of Tamil Nadu and others***, allowed the writ petition. In the said order, the facts were identical where there was a delay due to administrative reasons, the employees cannot be deprived of the benefits. When similarly placed Government servants were given the benefit of G.O. Ms. No.340 Finance (Pay Cell) Department dated 26.08.2010, it was held that the writ petitioners therein were also entitled to for the same benefit. In this regard, it is worthwhile to advert to paragraph No.4 of the G.O. Ms. No.340, which reads thus:

“4) The Government has carefully examined the above recommendations of the One Man Commission and decided to



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rectify the anomaly as pointed out by the One Man Commission. Accordingly, the Government direct that in exercise of the powers conferred under Rule-13 of the Tamil Nadu Revised Scales of Pay Rules, 2009 relax the Rule-9 of the Tamil Nadu Revised Scales of Pay Rules, 2009 in favour of the incumbents recruited as Junior Assistants from among the Contract Assistants/Agricultural Officers and any other similar categories of posts recruited by the Tamil Nadu Public Service Commission in the same batch prior to 1.6.2009 and joined/appointed on a subsequent date on or after 1.6.2009 due to administrative reasons duly allowing the fitment benefit to the individual employees concerned as a special case. However, Government direct that the above fixation benefit shall be given notional effect from the date of appointment of the individual employees concerned with monetary benefit from 1.8.2010."

7. As per the above Government Order, the benefits was extended to all the categories of posts recruited by the Tamil Nadu Public Service



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Commission prior to 01.06.2009 and joined on a subsequent date on or after 01.06.2009 due to administrative reasons. When the above Government Order categorically provides for extending the benefits of the pay band even for those who were appointed after the cut-off date, namely 01.06.2009, the administrative reasons due to which the delay had occurred cannot be put against the writ petitioners. The facts of the present case also would go to show that it was not the fault of the petitioners in joining the post belatedly, but it was due to the pendency of the case and the age limit. As there was no recruitment for more than 18 years for the post of Assistant Agricultural Officers, the petitioners by the time they had applied, had crossed the age of 40. They would get the orders of appointment issued only in 2010. They should also be extended the same benefit as of the Assistant Agricultural Officers who were recruited, based on the same notification.

8. It was also pointed out by the learned counsel for the respondents that the Director of Agriculture vide proceedings dated 11.01.2021 made in FSE1/88389/2013, passed the following order:



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"Consequent to the above order of the Hon'ble Madurai Bench of High Court, Government directed in the Government Order sixth read above and subsequent amendment in Government Order 7th read above extended the benefits of G.O. Ms. No. 340 Finance (Pay Cell) Department, dated 26.08.2010 to the petitioners/individuals on par with the batch-mates who had joined prior to 01.06.2009 and directed the Director of Agriculture to individuals/petitioners' re-fix the pay of the concerned by issuing the separate office proceedings.

As powers conferred in the Government Order 6th read, the pay fixing authorities concerned are directed to re-fix the pay of the Assistant Agricultural Officers indicated in the Annexure (70 persons) to this orders by allowing the 1.86 fitment ($4000 \times 1.86 = 7440$) notionally from the date of joining, with monetary benefit from 01.08.2010."

9. When the Government itself has already extended the benefits of G.O. Ms. No.340 Finance (Pay Cell) Department dated 26.08.2010 to the



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individuals, on par with their batch-mates, who were joined prior to 01.06.2009, the learned single Judge had followed the same and rightly allowed the writ petition, which requires no interference.”

2. There is no merit in this writ appeal. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
14th July 2025

NCC : Yes / No
Index : Yes / No
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