

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.34031 of 2015

Tamil Nadu Assistant Agricultural
Officer's Association
represented by its State President
S.Esakkimuthu
No.9, Thanikachalam Street
Triplicane, Chennai 600 005 .. Petitioner

vs

The Agriculture Production Commissioner/
Principal Secretary to Government
Agriculture Department
Fort St. George, Chennai 600 009 ... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to consider the representation of the petitioner dated 29.6.2015, based on the recommendations of the Director of Agriculture in Letter No.AOE4/16198/2014 dated 27.2.2014, within a stipulated period.

For Petitioner : Mr.S.M.Subramaniam

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit, who is the State President of the petitioner-Association, would claim that it is recognized by the Government of Tamil Nadu and is espousing the cause of the employees working in the cadre of Assistant Agricultural Officers and Deputy Agricultural Officers. He would state that the first respondent had issued G.O.Ms.No.537 dated 18.10.1956, bifurcating the Departments of Agriculture, Horticulture and Agricultural Marketing, and accordingly, 123 posts of Deputy Agricultural Officers were allotted to the Horticulture Department.

3.It is further stated by the deponent that a number of litigations had cropped up and in W.P.Nos.19901, 25894 and 29016 of 2008 and 12025 and 13298 of 2012, this Court has passed a common order dated 19.12.2012, stating that the deployed staff in the Horticulture Department shall exercise their option within one month after the expiry of the period of five years, as contemplated in G.O.Ms.No.537 of the first respondent dated 18.10.1956, as to whether they want to remain in the deployed Department or to go back to their parent Department and based on their option, necessary orders shall be passed by the competent authority, and in the light of the above said orders, the petitioner-Association made very many representations and the third respondent has also made a positive recommendation to the first respondent vide Letter No.AOE4/16198/2014 dated 27.2.2014, and since no orders have been passed, it came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondent.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the first respondent to consider the petitioner's representation dated 29.6.2015, on merits and in accordance with law, after taking note of the recommendation of the third respondent dated 27.2.2014, made in Letter No.AOE4/16198/2014 , and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsv

To:

The Agriculture Production Commissioner/

Principal Secretary to Government

Agriculture Department

Fort St. George, Chennai 600 009.

+1cc to Mr.S.M. Subramaniam, Advocate, S.R.No.58325

+1cc to the Government Pleader, S.R.No.58644

LRS (CO)

<https://hcservices.ecourts.gov.in/hcservices/Filings/2015/34031>

W.P.No.34031 of 2015