



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) No.16553 of 2015
and
M.P. (MD) Nos.1 & 2 of 2015

The Tamil Nadu Government Agriculture
Graduates Association,
rep.by its Joint Secretary,
Plot No.57, 7th Cross Street,
3rd Main Road, Kamatchi Nagar,
KTC Nagar,
Tirunelveli District-627 011

... Petitioner

vs.

1.The Government of Tamil Nadu
rep.by its Secretary
Agriculture AA1 Department
Secretariat, Fort St.George, Chennai-9

2.The Commissioner of Agriculture
Department of Agriculture, Chennai

3.The Joint Director of Agriculture
Department of Agriculture
Tirunelveli District, Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned proceedings of the 1st respondent in letter Ms.No.172, dated 18.08.2015 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiif
for M/s.Ajmal Associates

For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

The *lis* on hand is filed to quash the impugned proceedings of the first respondent issued in letter Ms.No.172, dated 18.08.2015, which has been issued pursuant to the Government Order issued in G.O.(Ms) No.537, Agriculture (AA 8) Department, dated 24.12.2007.



2. The impugned order states that pursuant to the restructuring of the Directorates of Agriculture, Horticulture, Seeds Certification and Organic Certification, Agriculture Marketing and Agri Business, a Committee was formed to resolve certain issues. Accordingly, the Government passed the impugned order, dated 18.08.2015 as under, based on the Judgment of this Court, dated 19.12.2011.

"5) In Judgement third cited, the Hon'ble High Court of Madras on 19.12.2011 has ordered as follows:-

"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 para 12 of G.O. (M.S) No.537, 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. In theses circumstances the court inclined to quash paras 12 and 17(x) of G.O. (M.S.) No.537, since the court have come to the conclusion that these paras do not empower the Director of Agriculture to fill in the vacant deployed post during the 5 years period. However, the court make it clear that the persons who were already posted in the deployed posts as disclosed in the reply affidavit of the petitioners referred to above, shall not be disturbed. The respondents are directed not to fill any deployed posts by bringing in new persons from Agriculture department to Horticulture Department, including the Assistant Directors of Agriculture, who are empanelled in G.O. (Ms) No.22, Agriculture (AAI) Department, dated 22.01.2012."

6) In the G.O. 4th cited, a committee was constituted under the Chairmanship of Commissioner of Agriculture, consisting Commissioner of Horticulture and Plantation Crops, Commissioner of Agricultural Marketing and Agri.Business, Additional Secretary to Government, Agriculture Department, Additional Director (Personal Management) as implementation of the High Court order dated 19.12.2012 and to resolve issues consequently arised, on expiry of 5 years from the date of issue of the restructure G.O.

7) In the letter 5th cited, the Committee has submitted its report to Government and finally recommended for re-deployment 400 Posts of Assistant Agricultural Officers and 36 Posts of Assistant



Director of Horticulture from Horticulture Department to Agriculture Department, so as to strengthen the Extension Wing of the Agriculture Department.

8) The Government, after careful examination of the report of the committee and found that, when the Agriculture and Horticulture Departments were restructured in the year of 2007, the excess posts found in Agriculture Department were transferred to Horticulture Department. Now, in the report submitted by the committee recommended for re-deployment of 436 Nos. of posts from Horticulture to Agriculture Department is not a criteria based. Moreover, the issues put forth before the committee have been almost resolved. Hence, it is not possible to re-deploy the excess posts from Horticulture to Agriculture Department at this juncture.

9) In view of this, the Government have decided to reject the report of the committee and ordered accordingly."

3. The Government have rejected the report of the Committee and ordered accordingly.

4. Now, the question arises whether the writ petitioner - Association can maintain a writ petition in respect of the guidelines issued in the Government Orders.

5. With regard to entertaining a writ petition filed by an Association, the Honourable Division Bench has decided the issue in the case of **Tamilaga Asiriyar Koottani vs. The Government of Tamil Nadu**, reported in (2005) 3 MLJ 252.

6. The Government Orders are in relation to the restructuring of the Departments and deployment of staffs in the Departments of Horticulture and Agriculture. The facility of options were provided to these employees working in Agriculture Department. They have exercised their options with reference to G.O.(Ms) No.537, Agriculture Department, dated 24.12.2007. By virtue of the policy decision taken by the Government for restructuring of the Departments, various guidelines were issued enabling the employees to exercise their option either to work in Agriculture Department or in Horticulture Department or otherwise. Therefore, the aggrieved employees alone are competent to approach the Court of law. The writ petitioner / Tamil Nadu Government Agricultural Graduates Association cannot maintain a writ petition in view of the fact that separate options were allowed to be exercised by the individual officials of the Department of Agriculture or Horticulture. Under these circumstances, the individual grievances cannot be redressed by an Association by filing a single writ petition and further, the acceptance or



refusal of the report submitted by the Committee is the prerogative of the Government and the Government in the impugned order states that the report of the Committee was rejected on account of various reasons. Under these circumstances, the writ petition filed by the Association cannot be entertained and if at all the members of the Association are aggrieved, they are at liberty to approach the Appellate Authority or the Court for the purpose of redressal of their grievances. In the event of filing any such appeal before the competent authority by the individual members for the purpose of redressing their grievances, the said appeal / application will be considered on merits and in accordance with law.

7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,
Agriculture AA1 Department,
Secretariat,
Government of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Commissioner of Agriculture,
Department of Agriculture,
Chennai.
- 3.The Joint Director of Agriculture,
Department of Agriculture,
Tirunelveli District, Tirunelveli.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.79774

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