

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15772 of 2016

M.Vedagiri

.. Petitioner

vs.

1.The Director of Horticulture & Plantation Crops,
Chepauk,
Chennai.

2.The Deputy Director of Horticulture,
Kancheepuram. ... Respondents

Prayer: 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 petitioners dated 30.03.2016 for promotion to the post of Deputy Horticulture Officer and to pass orders in accordance with law.

For Petitioner : Mr.A.Harivasagam

For Respondents : Mr.M.E.Raniselvam
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that he is working as Assistant Seed Officer under the control of the Directorate of Agriculture and the first respondent, vide G.O.Ms.No.537, Agriculture Department dated 24.12.2007 restructured the entire Agriculture Department by bifurcating Agriculture, Horticulture and Agriculture Marketing. The petitioner was deployed to the Horticulture Department as Assistant Agriculture Officer. The petitioner would further state that after bifurcation, large number of vacancies were allotted in the category of Deputy Agriculture Officer. The said Government Order was also put to challenge in W.P.Nos.19901, 25894 and 29016 of 2008 and this

Court, vide order dated 19.12.2012, has disposed of the said writ petitions by observing that "the deployed staff in the Horticulture Department shall exercise their options within one month after the expiry of the period of five years as contemplated in para 12 of G.O.Ms.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 options, necessary orders shall be passed by the competent authority. It is the categorical stand of the petitioner that he has exercised his option to remain in the Department of Horticulture and he was promoted as Assistant Seed Officer and posted to Agriculture Department. The grievance expressed by the petitioner is that Special Rules for the Tamil Nadu Horticulture Subordinate Service came to be issued in G.O.Ms.No.272, Agriculture Department dated 27.11.2015 and he was relieved from the Horticulture Department after issuance of the above rules on 30.11.2015 and in this regard, he has also submitted a representation dated 30.03.2016 seeking to remain in the Horticulture Department and since his representation has not been given disposal, came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4. Though the petitioner has prayed for larger relief, this Court, without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, directs the first respondent to consider and dispose of the petitioner's representation dated 30.03.2016 and pass orders on merits and in accordance with law 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.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

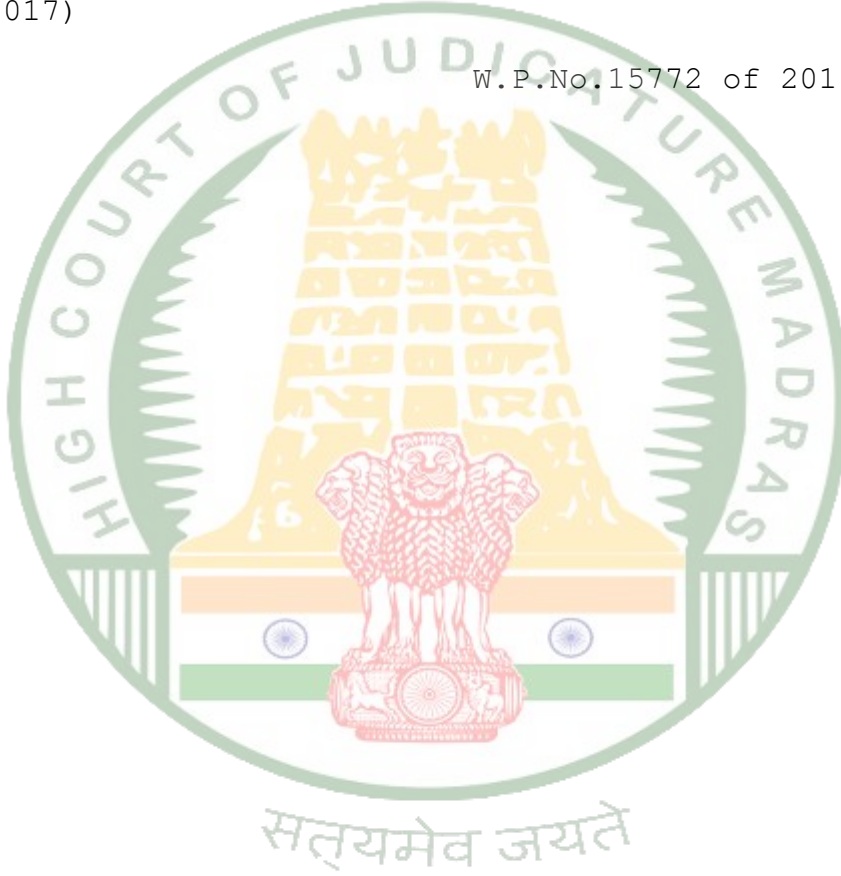
1.The Director of Horticulture & Plantation Crops,
Chepauk,
Chennai.

2.The Deputy Director of Horticulture,
Kancheepuram.

+1cc to Mr.R. Prem Narayan, Advocate, S.R.No.74237
+1cc to the Government Pleader, S.R.No.74474

ss (CO)
md(05/01/2017)

W.P.No.15772 of 2016



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