

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.16335 of 2016 and
W.M.P. No.14139 of 2016

1.J.Venkataramanan
2.R.Janakiraman
3.N.Sumathy
4.V.Thenamudha
5.S.Chitra
6.Thenmozhi Narayanasamy ... Petitioners

-vs-

1.The Government of Tamil Nadu,
rep. by Agricultural Production
Commissioner and Secretary
to Government, Agriculture Department,
Secretariat, Chennai-9.

2.The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai-5.

3.The Commissioner of Agriculture,
Chepauk, Chennai-5. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents herein to desist from filling up any other posts belonging to Assistant Director Cadre and the next higher posts in the Directorate of Horticulture and Plantation Crops, in excess of the permanently transferred posts belonging to the Assistant Director Cadre and accordingly fill up the next higher posts and issue consequential directions to the respondents to reallocate the posts, if any filled up in the Horticulture Department, over and above the permanently transferred posts, transferred from Agriculture Department to Horticulture Department in pursuance of G.O. (Ms.) No.537 dated 24.12.2007.

For Petitioners: Mr.M.Ravi

For Respondents: Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

All the petitioners, who are working in the Agriculture Department, have come to this Court, seeking a direction to the respondents herein to desist from filling up any other posts belonging to Assistant Director Cadre and the next higher posts in the Directorate of Horticulture and Plantation Crops, in excess of the permanently transferred posts belonging to the Assistant Director Cadre and accordingly fill up the next higher posts and issue consequential directions to the respondents to reallocate the posts, if any filled up in the Horticulture Department, over and above the permanently transferred posts, transferred from Agriculture Department to Horticulture Department in pursuance of G.O. (Ms.) No.537 dated 24.12.2007.

2.Learned counsel appearing for the petitioners would submit that when all the petitioners are working as Agricultural Officers from 1993 onwards, the Government have issued a Government Order in G.O. Ms. No.537 Agriculture (AA8) Department dated 24.12.2007, making clear that the Government have directed the restructure proposals in respect of the Directorate of Agriculture, Horticulture and Plantation Crops, Seed Certification and Organic Certification, Agricultural Marketing and Agri Business and Tamil Nadu Horticulture Development Agency (TANHODA) be implemented stating that the Extension Wing and Research Wing (Chemistry) in the Department of Agriculture shall be functionally merged and the seniority and the service conditions of the staff of the Research/ Extension Wing for the purpose of promotional opportunities shall be continued in the respective existing cadre till the incumbents retire from service and thereafter there will be only one cadre, who will man both extension and research activities in Agriculture Directorate and the entry level post shall be Agricultural Officer only.

3.He would further submit that while a challenge was made to Para 12 and 17(x) of G.O. Ms.No.537 issued by the Tamil Nadu Horticulture Officers Welfare Association in W.P. No.13298 of 2012, a detailed counter affidavit has been filed stating that with regard to the staff deployed from the Department of Agriculture to the Directorate of Horticulture and Plantation Crops, any post falling vacant by way of promotion or retirement of the deployed staff in the Directorate of Horticulture and Plantation Crops, after expiry of 5 years from the date of issue of the order, the posts shall stand permanently transferred to Directorate of Horticulture and Plantation Crops.

4.Therefore, it is the claim of the learned counsel appearing for the petitioners that only those posts which are transferred permanently from the Agriculture Department to Horticulture Department alone should be filled up in the

Horticulture Department, but, other posts shall be earmarked only to the Agriculture Department. Therefore, all other posts which are not permanently transferred should be left open to the Agricultural Officers.

5. But the argument advanced by the learned counsel appearing for the petitioners is not supported by either the G.O. Ms. No.537 Agriculture (AA8) Department dated 24.12.2007 or the counter affidavit filed by the respondents therein in the earlier Writ Petition in W.P. No.13298 of 2012. In the said G.O. Ms. No.537, in my considered opinion, there is no say with regard to the posts, which are already deployed to the Horticulture Department and subsequently, the said G.O. Ms. No.537 got merged in the light of para 17(x) of the said G.O. In any event, since the prayer of the petitioners is to issue a direction to implement Para 10 of the said G.O., it is for the department to consider it on merits. Therefore, this Court is not inclined to issue direction to the respondents. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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To

1. Agricultural Production
Commissioner and Secretary
to Government, The Government of Tamil Nadu,
Agriculture Department,
Secretariat, Chennai-9.

2. The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai-5.

3. The Commissioner of Agriculture,
Chepauk, Chennai-5.

1 cc to Government Pleader, sr.27995
1 cc to Mr.M.Ravi, Advocate, sr.27265

W.P. No.16335 of 2016

nr co
kra 27.05.2016