

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.9863 of 2016

M.Muthukumar

.. Petitioner

vs

The Director of Horticulture
and Plantation Crops,
Chepauk, Chennai 600 005.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to consider the representation of the petitioner dated 03.03.2016 for promotion to the post of Deputy Horticulture Officer.

For Petitioner : Mr.S.M.Subramaniam

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

O R D E R

The petitioner, M.Muthukumar, has filed this petition, seeking a direction to the respondent to consider his representation dated 03.03.2016 for promotion to the post of Deputy Horticulture Officer.

2.The grievance of the petitioner is that he is working as an Assistant Seed Officer under the control of the Director of Agriculture. After the bifurcation of the Horticulture Department, based on the G.O. Ms.No.537 Agriculture Department dated 24.12.2007, this Court passed an order dated 19.12.2012 in W.P. Nos.19901, 25894 and 29016 of 2008 holding that the deployed staff in the Horticulture department shall exercise their options, as contemplated in para 12 of the said G.O. and based on their options, necessary orders shall be passed by the competent authority. Based on the orders passed by this Court, the respondent has issued a Circular in Letter No.ADE 4/58362/2012 dated 08.01.2013 inviting options from the employees. As the petitioner has exercised his option to remain in the Horticulture Department, he was promoted as Assistant Seed Officer and sent back to Agriculture Department. Now the respondent is preparing panel for promotion to the post of

Deputy Horticulture Officer. But his name is not considered in spite of the option exercised by the petitioner based on the circular issued by the respondent. Therefore, he made representation dated 03.03.2016 for promotion to the post of Deputy Horticulture Officer. As the respondent has not come forward to respond the petitioner's representation, he is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. In the light of the limited relief sought for in the writ petition, without going into the merits of the case, the respondent is directed to consider the petitioner's representation dated 03.03.2016 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.
vga

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

The Director of Horticulture
and Plantation Crops,
Chepauk, Chennai 600 005.

+ 1 cc to Mr.S.M.Subramaniam, Advocate SR 17473

+ 1 cc to Govt.Pleader SR 17419

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