



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.19843 of 2016

K.Ganapathy Ramasamy

: Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat, Chennai - 600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
Nandhanam, Chennai - 600 035.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Chennai to consider the petitioner's representation dated 06.04.2016 and pass appropriate orders regarding his notional promotion as Superintending Engineer on par with his junior Thiru.Meenakshi Sundaram as per the inter-se seniority list fixed in G.O.(Ms) No.199, Agriculture, dated 10.06.2004 and to send revised pension proposals within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Murugan,
Government Advocate.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, seeking direction to the first respondent to consider the petitioner's representation dated 06.04.2016 and to pass appropriate orders with reference to his claim for notional promotion.

2.Mr.M.Murugan, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that he was last serving as Executive Engineer, Agricultural Engineering Department, Theni. His date of superannuation was on 31.07.1998. On the date of superannuation, he was not allowed to retire and placed under suspension as per G.O.No.93, Agriculture Department, dated 29.07.1998. In the criminal case in Special Case No.1 of 2007, filed against him and 11 others, pending in the Court of Chief Judicial Magistrate, Dindigul, he was discharged on 02.03.2009 and the Criminal Revision Petition in CrI.R.C(MD)No.244 of 2010 preferred against the said order, was also dismissed on 30.09.2011. Thereafter, the Department also dropped the departmental proceedings initiated against him. After the above-said lengthy process, he was allowed to retire w.e.f. 31.07.1998, revoking the order of suspension. He also received all his retirement benefits in the year 2016 after a lapse of 18 years. During his tenure, he was not considered for promotion in view of pendency of the criminal case. As the petitioner happened to retire without any promotion on account of the pending criminal case, which was dropped later, now the petitioner has made a representation seeking notional promotion on par with his junior. The specific claim made by the petitioner is that he ought to have been promoted as Executive Engineer (Agricultural Engineering) as on 11.04.1985 and that he should have been promoted as Superintending Engineer (Agricultural Engineering) as on 09.01.1993 and the notional promotion must be on par with his junior Mr.G.Meenakshi Sundaram, who was promoted as Executive Engineer as well as Superintending Engineer, even before the date of superannuation of the petitioner. The further claim of the petitioner is that after effecting notional promotion, the revised pension proposal on par with his junior must also be sent to the respondent. As his representation dated 06.04.2016, has not been considered, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that excepting the pendency criminal case (at that point of time), there was no impediment at all for the petitioner to have been granted promotion and the case got dropped and the departmental proceedings were also dropped and it is the case for consideration of notional promotion.

5.The learned Government Advocate appearing for the respondents would submit that the first respondent will consider the representation of the petitioner dated 06.04.2016 and to pass orders in accordance with law and on merits.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Recording the submission made by the learned Government Advocate appearing for the respondents, the Writ Petition is



disposed of with a direction to the first respondent to consider the representation of the petitioner dated 06.04.2016 and to pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. No costs.

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/True copy/

Sd/-

Assistant Registrar(CO)

Sub Assistant Registrar

To

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat, Chennai - 600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
Nandhanam, Chennai - 600 035.

+1 cc to M/s.S.Visvalingam, Advocate in SR.No.61086

+1 cc to The Special Government Pleader in SR.No. 61406

smn

CSL/SS-2/04.11.2016: 3P/5C

ORDER MADE IN
W.P(MD)No.19843 of 2016
18.10.2016