



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM:

WEB COPY THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No. 4123 of 2016

and

WMP (MD) No. 3692 of 2016

M.N.Abdul Rahuman

... Petitioner

Vs.

1.The Agricultural Production Commissioner and
Secretary to Government,
Fort St. George,
Chennai - 600 009.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner, dated 08.01.2016 in accordance with the proviso to Rule 5(b) of the Tamil Nadu Horticulture Subordinate Service Special Rules made in G.O.Ms.No.272, Agriculture(AA1) Department, dated 27.11.2015.

For Petitioner : Mr.C.Jegannathan

For Respondents : Mr.S.Satheeshkumar,

Additional Government Pleader

ORDER

Mr.S.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the first respondent to consider the representation made by the petitioner, dated 08.01.2016 in accordance with the proviso to Rule 5(b) of the Tamil Nadu Horticulture Subordinate Service Special Rules made in G.O.Ms.No.272, Agriculture(AA1) Department, dated 27.11.2015.



4. The petitioner is seeking only promotion within the Department. According to him, as per G.O.Ms.No.272, Agriculture (AA1) Department, dated 27.11.2015, separate service Rules have been framed under Article 309 of the Constitution of India, whereby two posts are classified as civil posts viz., Deputy Horticulture Officer and Assistant Horticulture Officer. The qualification for the Post of Assistant Horticulture Officer is equivalent to the Post of Assistant Agriculture Officer. The petitioner was initially appointed as Assistant Agriculture Officer and has rendered 17 years of service in the Horticulture Department with total service of 24 years. At present, he is working as Assistant Seed Officer and he has to be considered and promoted as Deputy Horticulture Officer in the Horticulture Department on the basis of seniority. The apprehension of the petitioner is that the respondents are trying to fill up the Deputy Horticulture Officer Posts from the Post of Assistant Agriculture Officers, who are presently working in the Horticulture Department, who may be juniors to the petitioner. Therefore, a representation was sent to the respondents 08.01.2016 to consider the case of the petitioner as per proviso to Rule 5(b) of the Tamil Nadu Horticulture Subordinate Service Special Rules. As there is no response, the above Writ Petition is filed for a Writ of Mandamus.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the claim made by the petitioner, the first respondent is directed to consider the representation of the petitioner, dated 08.01.2016 and pass appropriate orders on the same, on merits and in accordance with proviso to Rule 5(b) of the Tamil Nadu Horticulture Subordinate Service Special Rules, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



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2.The Director of Horticulture and Plantation Crops,
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+1 cc to Mr.Veerakathiravan, Advocate, SR No.11440

+1 cc to Special Government Pleader SR No.11615

W.P (MD) No.4123 of 2016
29.02.2016

RG.MP/MP/SAR-I 01.03.2016 3P/5C