



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.6985 of 2016

K.Sekar

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to include the petitioner's name in the panel to the Post of Deputy Horticulture Officer for the year 2015-16(as on 01.04.2015) in the light of his representation, dated 28.03.2016 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.S.Sadeshkumar,
Additional Government Pleader

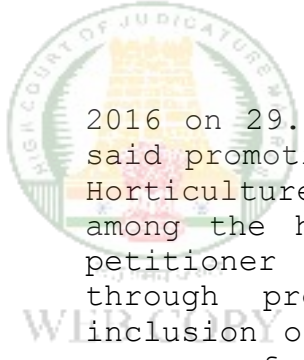
ORDER

Mr.S.Sadeshkumar, learned Additional Government Pleader takes notice for the respondent.

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

3. The petitioner seeks for a Mandamus directing the respondent to include the his name in the panel to the Post of Deputy Horticulture Officer for the year 2015-16(as on 01.04.2015) in the light of his representation, dated 28.03.2016 within a stipulated period.

4. The case of the petitioner is that he is working as Assistant Seed Officer at Tanjore, Tanjore District and he had been working as Assistant Horticulture Officer for more than ten years. According to the petitioner, as per G.O.Ms.No.272 Agriculture(AA1) Department, dated 27.11.2015, appointment to the Post of Deputy Horticulture Officer has to be selected by promotion from among the holders of the Post of Assistant Horticulture Officer. The eligibility criteria to the Post of Deputy Horticulture Officer is that the Officer must have rendered a service for a period not less than ten years as Assistant Horticulture Officer. While so, the respondent herein had published a panel list of Assistant Horticulture Officer found fit for the temporary appointment by promotion to the Post of Deputy Horticulture Officer for the year 2015-



2016 on 29.02.2016. As the petitioner, who is otherwise eligible to the said promotional Post having completed ten years of service as Assistant Horticulture Officer and also the fact that promotion should be made from among the holders of the Post of Assistant Horticulture Officer, the petitioner has made a representation to the respondent on 28.03.2016 through proper channel requesting the respondent to consider the inclusion of the petitioner's name in the panel list. As there was no response from the respondent, the above Writ Petition is filed for a Writ of Mandamus.

5. Considering the limited scope of the prayer made in this Writ Petition, without expressing any opinion on the merits of the claim made by the petitioner, the respondent is directed to consider the representation of the petitioner, dated 28.03.2016 and pass appropriate orders on the same, on merits and in accordance with law, 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.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO MR.R.SUNDAR, ADVOCATE IN SR NO. 19955

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 20343

PM

TE/SKS-RR/ : 21/04/2016 : 2P/4C

W.P (MD) No.6985 of 2016
11.04.2016