



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.12998 of 2017

WEB COPY

C.Kannan

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Government of Tamil Nadu,
Fort St.George, Chennai.

2. The Commissioner of Horticulture,
Department of Horticulture,
Commissioner of Agricultural Office Complex,
Chepauk, Chennai.

3. The Deputy Director of Horticulture,
Sivagangai,
Near RTO Test Ground,
Kanjirangal, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant notional promotion to the post of Deputy Director of Horticulture along with other attendant benefits to the petitioner on par with his juniors by considering the representation of the petitioner dated 29.01.2017 within the time that may be stipulated by this Honble Court.

For Petitioner : Mr.M.Mahaboob Athiff
For M/s.Ajmal Associates

For Respondents : Mr.D.Muruganandam
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to grant notional promotion to the post of Deputy Director of Horticulture along with other attendant benefits to the petitioner on par with his juniors by considering the representation of the petitioner dated 29.01.2017.

2. Heard the learned counsel appearing for the petitioner. The learned Additional Government Pleader takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.



3. It is the case of the petitioner that based on the judgment of this Court dated 19.12.2012 in W.P.Nos.19901 of 2008 etc, he duly exercised his option to stay back in the 2nd respondent department on 10.01.2013 without any condition within the stipulated time of one month. Though the petitioner had attained superannuation on 31.07.2016, no orders in respect of his option have not been passed and his juniors were promoted as the Deputy Director of Horticulture on 08.10.2015. The petitioner has sent a representation dated 29.01.2017 in this regard and no decision has been taken thereon till date, which forced the petitioner to approach this Court with the above prayer.

4. According to the learned counsel for the petitioner, though the juniors of the petitioner were granted promotion, the petitioner has been singled out. Under such circumstances, this Court, without going into the merits of the matter, directs the respondents to consider the representation of the petitioner dated 29.01.2017 and pass appropriate orders thereon 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. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To:

1. The Secretary,
State of Tamil Nadu,
Department of Agriculture,
Government of Tamil Nadu,
Fort St.George, Chennai.
 2. The Commissioner of Horticulture,
Department of Horticulture,
Commissioner of Agricultural Office Complex,
Chepauk, Chennai.
 3. The Deputy Director of Horticulture,
Sivagangai,
Near RTO Test Ground,
Kanjirangal, Sivagangai District.
- +1cc to M/s.Ajmal Associates,Advocate,SR. 65431
+1cc to M/S.Special Government Pleader,SR. 65754

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