



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) .No.233 of 2011

and

M.P (MD) .No.1 of 2011

WEB COPY

M.Mohammed Ali

... Appellant

Vs.

1. The State of Tamil Nadu
Rep.by its Secretary,
Department of Agriculture,
St.George, Chennai-600 009.
2. The Commissioner of Agriculture,
Chepauk, Chennai-600 005.
3. The Registrar of Agro Engineering Services,
Chepauk, Chennai - 600 005.
4. The Special Officer /
Agricultural Development Officer,
Agro Engineering Services,
Ramanathapuram

... Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 26.11.2010 made in W.P.(MD) No.6401 of 2008.

Prayer in WP(MD). 6401/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent Commissioner of Agriculture in Rc.No.2540/07/AES-4 dated 4.6.2008 quash the same and further direct the 1st respondent Secretary to the Government to give alternate employment to the petitioner by way redeployment to any other department in the Government of tamil Nadu as similarly placed co-employees were redeployed vide G.O.(2D) Ms.No.78 (Animal Husbandry and Fisheries Department) dated 11.11.2003 and G.O.(2D)Ms.No.211 (Municipal Administration and Water Supply Department) dated 15.11.2007 and also in the light of the recommendations made by the fourth respondent Special Officer/Agricultural Officer vide proceedings dated 31.08.2006.



For Appellant
For Respondent

: Mr.S.Vellaichamy
: Mr.Ts.Md.Mohideen, AGP for R1 to R3
Mr.K.Mahendran for R4

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J U D G M E N T

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal questioning the order dated 26 November 2010 made in WP(MD).No.6401 of 2008.

2.According to the writ petitioner, he was appointed as Block Manager in Agro Engineering Service Co-operative Federation Limited on 22.02.1983. He continued to work in various capacities in the said Society. The said Federation was ordered to be wound up under section 137 of the Tamil Nadu Co-operative Societies Act 1983. In the meanwhile, there was a proposal for re-deploying the employees of Agro Engineering Service Co-operative Federation Limited. While so, the third respondent herein, by proceedings dated 17.08.2004 directed the Special Officers to retrench the employees by following the procedure under the Industries Disputes Act 1947. Questioning the same, W.P.(MD).No.6401 of 2008 was filed and the writ petitioner sought a direction for grant of alternative employment. Finding no merit in the writ petition, the learned Judge dismissed the same by order dated 26.11.2010. Aggrieved by the same, this intra Court appeal has been filed.

3.Heard the learned counsel for the appellant as well as the learned Additional Government Pleader for the respondents.

4.The question whether the appellant is entitled to re-deployment or whether he is entitled to retrenchment compensation alone was raised in the writ petition. This issue was already dealt with in W.P(MD).No.16811 to 16843 of 2007. This Court had held that the employees to AGROFED are not entitled to get redeployment and that they have to work out their remedy only for retrenchment compensation. The present writ petition filed by the appellant herein was dismissed by following the said earlier order. That apart it was also noted that the appellant herein had accepted part of the retrenchment compensation which comes to Rs.3.82 lakhs. In that view of the matter, the learned Judge chose to dismiss the writ petition.

5.We concur with the reasons assigned by the learned single Judge and this writ appeal is accordingly dismissed. However, if any further sum is due to be paid to the appellant by way of compensation, the same shall be paid. However, we are not in a position to give a positive direction for payment of the balance amount, since it is mentioned in the order of the learned single



Judge that proceedings had been initiated against the writ petitioner for alleged misappropriation and fraudulent retention of the money to the tune of Rs.30,60,125/-.

6. This writ appeal is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu
Department of Agriculture,
St. Fort George, Chennai-600 009.
2. The Commissioner of Agriculture,
Chepauk, Chennai-600 005.
3. The Registrar of Agro Engineering Services,
Chepauk, Chennai - 600 005.
4. The Special Officer /
Agricultural Development Officer,
Agro Engineering Services,
Ramanathapuram.

+1cc to Spl. Government Pleader Sr.No.68363

+1cc to Mr.M.V. Venkataseshan, Advocate Sr.No.67728

SKM/ARUL

VB/JC/SAR1/096/08/2017/3P/7C

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and
M.P (MD) .No.1 of 2011**

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