

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.14349 to 14352 of 2016

M.Govindarajan .. Petitioner in W.P. No.14349 of 2016
P.Palani .. Petitioner in W.P. No.14350 of 2016
N.Balakrishnan .. Petitioner in W.P. No.14351 of 2016
E.Srinivasan .. Petitioner in W.P. No.14352 of 2016

-vs-

The Director of Horticulture and
Plantation Crops,
Office of Director of Horticulture,
Chepauk, Chennai-5. .. Respondent in all W.Ps

Common Prayer:- Petitions filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to include the petitioners' 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 their representation dated 01.02.2016, 25.01.2016 and 28.03.2016 respectively within a stipulated period as may be fixed by this Court.

For Petitioners in all WPs : Mr.R.Sundar

For Respondent in all WPs : Mrs.P.Rajalakshmi,
Additional Government Pleader

COMMON ORDER

The petitioners have come up with these writ petitions seeking a direction to the respondent to include their names in the panel to the post of Deputy Horticulture Officer for the year 2015-16 in the light of their representations dated 01.02.2016, 25.01.2016 and 28.03.2016 respectively within a time frame.

2.The case of the petitioners is that they were working as Assistant Horticulture Officer for a period of ten years and more and as per G.O. Ms. No.272 Agriculture (AAI) Department dated 27.11.2015, appointment to the post of Deputy Horticulture Officer 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 a Horticulture Officer must have rendered a service for a period not less than ten years as Assistant Horticulture Officer. According to the petitioners, the respondent has 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 2015-16 by Proceedings No.FSE1/3523/2016 dated 29.02.2016. According to the petitioners, though they were fully eligible to the said promotional post, their names were not found in the said panel list. Therefore, they have given representations dated 01.02.2016, 25.01.2016 and 28.03.2016 narrating all the above said facts to the respondent. Finding no response, they are before this Court.

3.Reiterating the averments made in the counter Affidavit, learned Additional Government Pleader appearing for the respondent would submit that the petitioners were only promoted by his parent department i.e. Agriculture Department and posted to his parent department where they originally belong and as such the obtaining of option does not arise in their cases. As per the Special Rules, issued in G.O. Ms. No.272 Agriculture Department dated 27.11.2015 panel to the post of Deputy Horticulture Officer was prepared taking into consideration the names of Assistant Horticulture Officers, who had opted to remain in Horticulture.

4.Considering the submissions made by both the learned counsel, without going into the merits of the same, this Court hereby directs the respondent to consider the petitioners' representations dated 01.02.2016, 25.01.2016 and 28.03.2016 and pass appropriate orders, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

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

+1 cc to Mr.R.Sundar, Advocate Sr.No.79053

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NMI (CO)
CSL/18.12.2018



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