

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26905 of 2016
and WMP No.23132 of 2016

M. Rajendran

...Petitioner

vs

1.Commissioner of Agriculture,
Chepauk,
Chennai - 600 005

2.Commissioner of Horticulture,
Chepauk,
Chennai - 600 005

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the entire records leading to the issue of proceedings bearing No.GE/S2/83872/2013 dated 21.07.2016 on the file of the first respondent and the consequential transfer order bearing No.GES1/22730/2014 dated 25.07.2016 on the file of the second respondent and quash the same insofar as the transfer of the petitioner (Sl.No.2) is concerned and direct the respondents 1 and 2 to accept the option exercised by the petitioner dated 06.03.2013 expressing his willingness to remain in the Horticulture Department and absorb him permanently in the Horticulture Department.

For Petitioner :: Mr.K. Sridhar

For R.1& R.2 :: Ms.P. Rajalakshmi
Additional Government Pleader

ORDER

The writ petitioner was appointed through Tamil Nadu Public Service Commission as Agricultural Officer in Tamil Nadu Agricultural Extension Service (TNAES) and joined duty as Agricultural Officer on 15.10.1984 at Udumalpet.

2. The Government of Tamil Nadu after taking policy decision, promoted the petitioner and placed on re-deployment to the Horticulture Department and joined as Assistant Director of Horticulture on 19.02.2008 at Jolarpet, Vellore District. Since then, he has been continuously working in different capacity until he was promoted to Deputy Director of Horticulture in Horticulture Department.

3. Mr.K. Sridhar, learned counsel appearing for the petitioner submitted that when the respondents sought for willingness from persons on deployment whether they are willing to stay in the Horticulture Department or go back to the Agriculture Department, the petitioner initially gave his willingness on 10.01.2013 in the format to go back to the Department of Agriculture. Thereafter, consulting his family and well wishers, the petitioner decided to remain in the Department of Horticulture itself. Accordingly, withdrawing his earlier option letter dated 10.01.2013 to go back to the Department of Agriculture, submitted a fresh option letter dated 06.03.2013 in the prescribed format through proper channel with advance copies to the respondents making it clear that he is willing to remain only in the Department of Horticulture. As a result, accepting the option to continue in the Department of Horticulture, he was also given promotion to the post of Deputy Director of Department of Horticulture by issuing G.O.Ms.No.51 Agriculture (AAI) Department dated 28.02.2018, subject to the result of the writ petition.

4. Since the petitioner has been left with only few months to retire from service, it is pleaded that the respondents should not disturb the petitioner.

5. In similar circumstances, this Court also passed an order in WP Nos.1174 to 1176 of 2017 dated 27.04.2017, taking note of the fact that the officers serving in the Agricultural Department on the basis of their willingness and option exercised to continue in Horticulture Department, they should be allowed to continue.

6. In the present writ petition, the petitioner had given option and willingness on 10.01.2013 to revert back to Agriculture Department. Subsequently, he has withdrawn the same and gave fresh letter and willingness dated 06.03.2013 to remain in Horticulture Department and that was also accepted by the respondents and obviously he was given promotion to the post of Deputy Director of Horticulture Department, which is also subject to the result of the writ petition.

7. Similar order passed by this Court in various writ petitions will be applicable to the present writ petitioner. Moreover, the petitioner has been left with few months of service for retirement.

8. In view of the fact that the petitioner was already given promotion to the post of Deputy Director of Horticulture, the writ petition stands allowed as prayed for and the impugned orders No.GE/S2/83872/2013 dated 21.07.2016 passed by the first respondent and the consequential transfer order

No.GES1/22730/2014 dated 25.07.2016 passed by the second respondent are set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sr

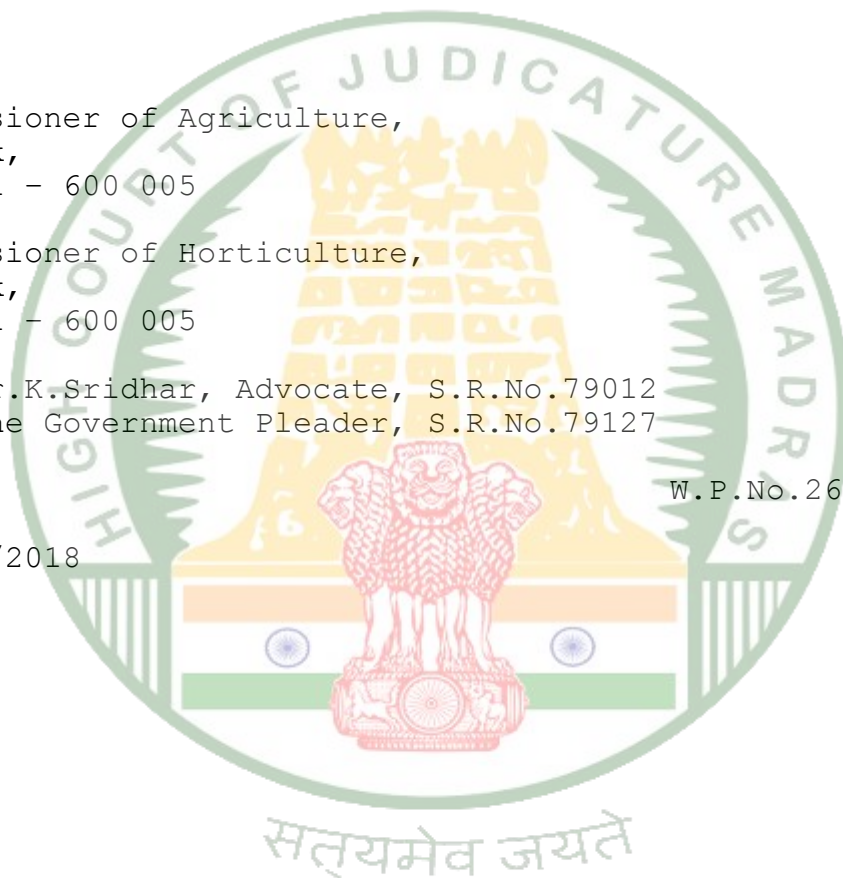
To

1. Commissioner of Agriculture,
Chepauk,
Chennai - 600 005
2. Commissioner of Horticulture,
Chepauk,
Chennai - 600 005

+1cc to Mr.K.Sridhar, Advocate, S.R.No.79012
+1cc to the Government Pleader, S.R.No.79127

W.P.No.26905 of 2016

rrs 22/11/2018



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