

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1459 of 2016 and
CMP No.18193 of 2016

1.J.Venkataramanan
2.R.Janakiraman
3.N.Sumathy
4.V.Thenamudha
5.S.Chitra
6.Thenmozhi Narayansamy ... Appellants/Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep. by Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department,
Secretariat, Chennai -9.
2.The Director of Horticulture and Plantation Crops,
Chepauk, Chennai -5.
3.The Commissioner of Agriculture,
Chepauk, Chennai -5. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.04.2016 made in W.P.No.16335 of 2016. Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents herein to desist from filling up any other Posts belonging to Assistant Director Cadre and the next higher posts in the Directorate of Horticulture and Plantation Crops, in excess of the permanently transferred posts belonging to the Assistant Director Cadre and accordingly fill up the next higher posts and issue consequential directions to the Respondents to reallocate the posts, if any, filled up in the Horticulture Department, over and above the permanently transferred posts, transferred from Agriculture Department to Horticulture Department in pursuance of G.O(Ms).No. 537 dated 24.12.2007.

For Appellants : Mr.M.Ravi

For Respondents : Mr.V.Anadhamurthy
Addl.Govt.Pleader

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

The appellants filed a writ petition in W.P.No.16335 of 2016 for issuance of a Writ of Mandamus not to fill up any other posts belonging to Assistant Director Cadre and the next higher posts in the Directorate of Horticulture and Plantation Crops in excess of the permanently transferred posts belonging to the Assistant Director Cadre. In short, the appellants wanted to implement the Government Order in G.O.Ms.No.537 Agriculture Department, dated 24 December 2007. The writ petition was dismissed by the learned single Judge. Feeling aggrieved, the appellants are before this Court.

2. The learned counsel for the appellants contended that the prayer of the appellants was only to consider their case in accordance with G.O.Ms.No.537 dated 24 December 2007. However, the learned single Judge dismissed the writ petition without reference to the said Government Order.

3. The learned Additional Government Pleader by placing reliance on the counter affidavit filed by the first respondent contended that the writ petitions challenging the Government Order in G.O.Ms.No.537 dated 24 December 2007 were dismissed. According to the learned Additional Government Pleader, the proposal sent by the second respondent for permanent absorption is now under the active consideration of the Government.

4. The appellants claimed various relief in the writ petition in W.P.No.16335 of 2016. The substantial contention is non-implementation of the Government Order in G.O.Ms.No.537 dated 24 December 2007.

5. The learned counsel for the appellants contended that the appellants would be satisfied, in case, a direction is given to consider and dispose of their representation dated 3 March 2016 on merits and in accordance with law and more particularly, in the light of the Government Order in G.O.Ms.No.537 dated 24 December 2007.

6. We direct the first respondent to consider and dispose of the representation of the appellants dated 3 March 2016 on merits and as per law and in the light of the relevant Government Order. Such exercise shall be completed within a

period of three months from the date of receipt of a copy of this judgment.

7. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1.The Agricultural Production Commissioner and
Secretary to Government,
The Government of Tamil Nadu,
Agriculture Department, Secretariat, Chennai -9.

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

3.The Commissioner of Agriculture,
Chepauk, Chennai -5.

+1cc to Mr.M.Ravi, Advocate SR.No.51568
+1cc to Government Pleader SR.No.51889

SMI/14.08.2018

W.A.No.1459 of 2016

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