

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM:

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

W.A.Nos.619, 620, 642, 643, 644,
648, 649 of 2016 and
Connected Miscellaneous Petitions

W.A.No.619 of 2016

D.Gunasekaran ... Appellant/Petitioner in WA.619 of 2016
V.I.RAHAMATHULLA ... Appellant/Petitioner in WA.620 of 2016
G.T.MURALIRAGINI ... Appellant/Petitioner in WA.642 of 2016
C.JANAKIRAMAN ... Appellant/Petitioner in WA.643 of 2016
R.SURESH ... Appellant/Petitioner in WA.644 of 2016
J.KOTHANDARAMAN ... Appellant/Petitioner in WA.645 of 2016
M.JEYAMALA ... Appellant/Petitioner in WA.649 of 2016

-vs-

- 1.The Commissioner of Agriculture,
Chepauk, Chennai - 5. ... 1st Respondent in all WA's
- 2.The Joint Director of Agriculture,
Thiruvannamalai. ... 2nd Respondent in WA.619/16
- 3.The Joint Director of Agriculture,
Nagerkoil. ... 2nd Respondent in WA.620,642,644/16
- 4.The Joint Director of Agriculture,
Trichy. ... 2nd Respondent in WA.643 & 648/16
- 5.The Joint Director of Agriculture,
Salem. ... 2nd Respondent in WA.649/16

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.11635, 12000/16, 11631/16, 11342/16, 11634/16, 11344/16 & 11632 of 2016 Respectively dated 31.03.2016.

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified mandamus calling for the entire records relating to the impugned order of the 1st respondent in Lr.No.V.A.Ni.1/23672/16 dated 29/02/2016 and quash the same and consequently direct the respondents from processing further action thereof.

For Appellants : Mr.L.Chandrakumar
in all Appeals

For Respondents: Mr.N.Manikandan
Government Advocate
in all Appeals

C O M M O N J U D G M E N T

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

The Commissioner of Agriculture taking into account the Government Order in G.O.(Ms) No.537 Agriculture Department, dated 24 December 2007, restructuring the Directorate of Agriculture, Horticulture and Plantation Crops, Seed Certifications and Organic Certification, Agricultural Marketing and Agri Business, issued a Circular dated 29 February 2016 indicating that the employees working in the laboratories, seed certification and organic certification department must also work in extension services. The Circular dated 29 February 2016 was challenged by the appellants before the Writ Court primarily on the ground that they will forfeit their seniority and it would deny them service benefits. The writ petitions were dismissed by the learned single Judge. The common order is under challenge at the instance of the unsuccessful writ petitioners.

2. The learned counsel for the appellants contended that there is no clear indication in the Circular dated 29 February 2016 that the seniority in the existing service would be protected and as such, transfer to the extension service would cause prejudice to the employees. No other contentions were raised before us.

3. The Circular dated 29 February 2016 was issued pursuant to the Government Order in G.O.(Ms) No.537 Agriculture Department, dated 24 December 2007. The said Government Order contains a clear indication that Extension Wing and Research Wing in the Department of Agriculture would be functionally merged and the seniority and the service conditions of the staff of the Research / Extension Wing for the purpose of promotional opportunities shall be continued in the respective cadre till

the incumbents retire from service. Thereafter, there will be only one cadre who will man both extension and research activities in Agriculture Directorate. The Government wanted to make the post of Agricultural Officer as the entry level post and it was only for the said purpose, the Government Order in question was issued. The seniority and other service conditions of the existing employees working in the Research /Extension Wing was taken care of by the Government. The Government agreed to protect the promotional opportunities of the staff in the respective existing cadre till the retirement of the employees. The Circular dated 29 February 2016 has to be read in the light of the Government Order in G.O.(Ms)No.537 dated 24 December 2007, which gives protection of seniority and other benefits. We are therefore of the view that there is absolutely no merit in the contention taken by the appellants that their seniority would not be protected while transferring the staff from the Research Wing to the Extension Wing. We therefore confirm the order passed by the learned single Judge.

4. In the upshot, we dismiss the intra court appeals. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-iv)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Agriculture, Chepauk, Chennai - 5.
- 2.The Joint Director of Agriculture, Thiruvannamalai.
- 3.The Joint Director of Agriculture, Nagerkoil.
- 4.The Joint Director of Agriculture, Trichy.
- 5.The Joint Director of Agriculture, Salem.

+1cc to the Government Pleader, S.R.No. 39116 & 39117
+1cc to Mr.V.T.BALAJI, Advocate, S.R.No. 38520(27/07/2018)

W.A.Nos.619, 620, 642,
643, 644, 648 and 649 of 2016

RV(CO)
TR(26/07/2018)