



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

WEB COPY

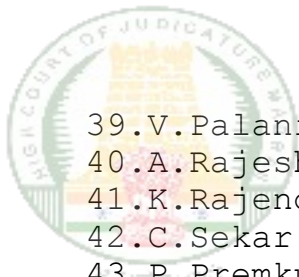
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.1627/2018 & 17713/2017, 3790 & 5017 of 2018

and

W.M.P.(MD).Nos.1718 to 1721 of 2018, 14265 to 14267, 5232 & 5233 of 2018, 3819 of 2018, 3934 to 3937 of 2018 & 5003 to 5007 of 2018

- 1.S.Udhayakumar
- 2.P.Mariraj
- 3.S.Rajesh
- 4.K.Muthuraj
- 5.C.Suresh
- 6.R.Veerapandi
- 7.P.Sasikumar
- 8.M.Narayanan
- 9.R.Lakshminarayanan
- 10.P.Ganesh Prabhu
- 11.R.Arunkumar
- 12.A.Balakannan
- 13.V.Muthukaruppan
- 14.R.John Pandiyan
- 15.I.Muthuselvi
- 16.J.Yoga Priya
- 17.M.Sudha Chandra
- 18.P.Jophi Manjula
- 19.R.Prema
- 20.M.Muneeswari
- 21.P.Mallappan
- 22.T.Marimuthu
- 23.K.Perumal Samy
- 24.S.Ganesh Kumar
- 25.S.Latha
- 26.R.Prabhu
- 27.K.Vanaja
- 28.P.Arun kumar
- 29.P.Thanani
- 30.V.G.Jaikrishnan
- 31.A.Paulraj
- 32.S.Padmavathi
- 33.G.Sakthivel
- 34.P.Suhirtha
- 35.T.Kannan
- 36.N.Kamalakannan
- 37.R.Indumathi
- 38.S.Sivasangari



- 39.V.Palaniyappan
- 40.A.Rajesh Kumar
- 41.K.Rajendran
- 42.C.Sekar
- 43.P.Premkumar
- 44.D.Kumaravel
- 45.S.Pandeeswaran
- 46.A.Chandiramohan
- 47.S.Kamal
- 48.M.Santhosam
- 49.T.Jeyasankar
- 50.G.Thilagavathi
- 51.G.Sankar
- 52.A.Shelly Rajkumar
- 53.N.Krishnasamy
- 54.G.Paneer Selvam
- 55.K.Jothimani
- 56.K.Selvam
- 57.V.Natarajan
- 58.M.Raja
- 59.M.Giruba
- 60.T.Selvakannan
- 61.N.Sakthivel
- 62.N.Hemalatha
- 63.M.Karthikeyan
- 64.C.Prabhu
- 65.S.Bharathi
- 66.S.Geetha
- 67.S.Divagar
- 68.A.Rajathi
- 69.P.Vinothini
- 70.L.Dhineshwaran
- 71.N.Sankarganesh
- 72.R.Subatra
- 73.S.Preethi
- 74.V.S.Thiruvargaraj
- 75.P.Thiyagarajan
- 76.M.Anburaj
- 77.L.Ganga
- 78.D.Vijayakumar
- 79.P.Prabakaran
- 80.A.Pradeep Kumar
- 81.T.Sivakumar
- 82.E.Mani
- 83.K.Sengottaiyan
- 84.K.R.Samyuktha
- 85.G.Arunkumar
- 86.P.Mohanasundaram
- 87.M.Gnanasekaran
- 88.C.Vijayakumar
- 89.K.Gunavathi Devi
- 90.M.Boopathi



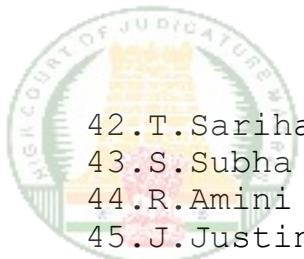
91.P.Sathishkumar
92.P.Manohar
93.P.Devaraj

... Petitioners in W.P.(MD).No.1627 of 2018

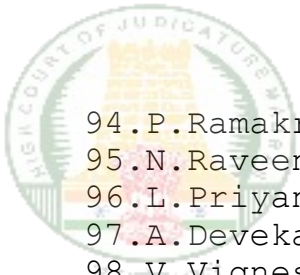
1.L.Settu
2.B.Ponraj
3.R.Vasudevan
4.N.Dhanasekharan
5.N.Ilayaraj
6.A.Tamil Selvan

... Petitioners in W.P.(MD).No.17713 of 2017

1.K.Sakthi Vadivelavan
2.S.Sankaranarayanan
3.M.Selvakumar
4.N.Stalin Rangaraj
5.V.Rajagurunathan
6.M.Anantham
7.A.Inbaraja
8.K.Ganesan
9.M.Sivakumar
10.M.Dankai
11.C.Kumar
12.S.Thirumalaipandiyan
13.R.Chandran
14.M.Thangasaravanan
15.R.Chandran
16.S.Muthuraja
17.A.Eelavemi
18.J.Joypadmadinesh
19.M.Pushbamari
20.G.Rajamani
21.S.Buvanesh
22.R.Essakimuthupandian
23.V.Ganesan
24.E.Pradeepdevadash
25.H.Sujith
26.M.Subramanian
27.S.Uikattudass
28.C.Thirisulam
29.K.Mariselvam
30.P.Anbalagan
31.S.Subha
32.M.Sathankumar
33.D.Pradeepsamuvel dennison
34.D.Pradeepgamalin
35.E.Kumar
36.M.Sivakumar
37.V.Jayamurugan
38.M.Sathishkumar
39.A.Nambi
40.A.Balasubramanian
41.E.Muruganantham



- 42.T.Sariha
- 43.S.Subha
- 44.R.Amini
- 45.J.Justin Kingston
- 46.S.Sudalaimuthu
- 47.S.Nagarajan
- 48.M.Sakunthaladevi
- 49.T.Stanly
- 50.E.Ponaasir
- 51.S.Selvaganesh
- 52.B.Esaipriya
- 53.K.Prathapsingh
- 54.M.Sriiyappan
- 55.A.Karthikeyan
- 56.C.Mariraj
- 57.P.Rajkumar
- 58.M.Tamilselvi
- 59.N.Selvi
- 60.K.Duraiarasu
- 61.V.Chakkaravarthy
- 62.C.Saraswathi
- 63.L.M.Sivakumar
- 64.G.Gomathi
- 65.P.Lakshmi
- 66.G.Kiruthiga
- 67.M.Santhakumari
- 68.K.Sarathi
- 69.A.Srinath
- 70.M.Hemanthkumar
- 71.S.Suguna
- 72.K.Vetrivel
- 73.M.Parvathi
- 74.M.Kavitha
- 75.P.Shanmugam
- 76.D.Rajkumar
- 77.B.Palanisamy
- 78.M.Murali
- 79.S.Duraisamy
- 80.U.Sathiaprabha
- 81.G.Pandurangan
- 82.J.Saravanan
- 83.M.Ramesh
- 84.R.Chandrasekaran
- 85.M.Kalaiyarasi
- 86.M.Suresh
- 87.K.R.Soneya
- 88.M.Thiyagarajan
- 89.M.Vigneshwari
- 90.R.Thierka Priya
- 91.M.Nanthini
- 92.S.Sriendaran
- 93.M.Parthipan



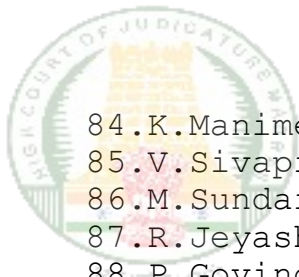
94.P.Ramakrishnan
95.N.Raveena
96.L.Priyanka
97.A.Deveka
98.V.Vignesh
99.P.Vasuki
100.M.Maneka
101.R.Kavisankar
102.V.Manikandan
103.R.Saravana selvan
104.S.Veeramani
105.A.Arunraj
106.K.Kannan
107.P.Elangovan
108.D.Anantha Selvi
109.C.Balasubramanian
110.K.Manikandan
111.V.Soundarrajan
112.S.Umamaheswari
113.V.S.Thangadurai

...Petitioners in W.P.(MD).No.3790 of 2018

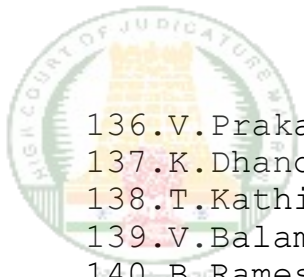
1.Rajendran
2.Marimuthu
3.P.Velmurugan
4.Socratesh Pandi
5.P.Kannan
6.Latha
7.Moovendhiran
8.Saravana Kumar
9.G.Ramakrishnan
10.Surendran
11.M.Alagar
12.Maruthu Pandidurai
13.P.Soundararajan
14.P.Raj Kumar
15.Geetha
16.R.Vinoth Kumar
17.S.Thirumavalavan
18.S.Venkatesan
19.A.Suganya
20.M.Bhargavi
21.S.Tamilarasi
22.T.Hari Priya
23.E.Sathish
24.V.Vinoth Kumar
25.A.Vimal Kumar
26.V.Nirmala Devi
27.D.Venkatesan
28.P.Sarath kumar
29.S.Bharathi
30.V.N.Ramachandran Kumar
31.V.Govindarasu



- 32.H.Udhayakumar
- 33.P.Manigandan
- 34.S.Krishnaraj
- 35.M.Lokesh
- 36.T.Gokulakrishnan
- 37.P.Nivetha
- 38.M.Sasikala
- 39.S.Bakiyaraj
- 40.M.Rajendiran
- 41.P.G.Amerendiran
- 42.K.Rajesh
- 43.S.Tamil Selvi
- 44.R.Dhamodharan
- 45.V.Arun kumar
- 46.B.Gopalakrishnan
- 47.M.Santhalakshmi
- 48.Y.Bernad
- 49.R.Siva kumar
- 50.S.Poovin Kumar
- 51.D.Thinagaran
- 52.V.Vidhya
- 53.R.Vimal Kumar
- 54.P.Meryvenus
- 55.K.Velu
- 56.S.Renganayaki
- 57.A.Anbarasu
- 58.P.Kumar
- 59.J.Anbarasi
- 60.K.Umamaheshwari
- 61.K.S.Sarath Babu
- 62.R.Lokesh
- 63.K.Praveen Kumar
- 64.M.Maniyarasu
- 65.V.Poonguzhali
- 66.S.Venkatesan
- 67.B.Mobesh Murugan
- 68.R.Srinivasa Kumar
- 69.S.Sakthivel
- 70.K.Sowndari
- 71.R.Rajesh Kumar
- 72.C.Jayaprakash
- 73.Mr.G.Mohansundaram
- 74.S.Sudha
- 75.A.Kavitha
- 76.R.Sivaperumal
- 77.P.Narayanan
- 78.S.Senthilkumar
- 79.Sambasivam.S
- 80.R.Simon
- 81.C.Devi
- 82.U.Jayasudha
- 83.G.Veerasami



- 84.K.Manimegalai
- 85.V.Sivaprakasam
- 86.M.Sundar
- 87.R.Jeyashree
- 88.P.Govindhasamy
- 89.G.Satheesh
- 90.V.Thenmozhi
- 91.K.Devadass
- 92.P.Natarajan
- 93.R.Arulbabu
- 94.K.Pari
- 95.G.Jayanthi
- 96.C.Mahendran
- 97.B.Palanikumaran
- 98.K.Muthulashmi
- 99.S.Sivanantham
- 100.S.Arivazhagu Murugan
- 101.A.Usha
- 102.R.TamilSelvi
- 103.B.Elangovan
- 104.T.Anbu
- 105.M.Sittibabu
- 106.R.Manju
- 107.K.Chandrasekar
- 108.S.Pavithra
- 109.E.Rajalashmi
- 110.E.Sridevi
- 111.S.Satarji
- 112.K.Manivel
- 113.V.Ravi
- 114.P.Sakthivel
- 115.M.Mary ananthi
- 116.K.Ayyappan
- 117.P.Mathiyalagan
- 118.A.Sanjai Gandhi
- 119.R.Jayanthi
- 120.R.Ragu
- 121.S.Subash Chandra Bose
- 122.S.Jayaganesh
- 123.K.Ayyanar
- 124.V.Narasimmaraj
- 125.K.Vignesh
- 126.C.Kalpana
- 127.K.Mathivanan
- 128.E.Rajavel
- 129.D.Manoj
- 130.J.Muthusamy
- 131.M.Sellamuthu
- 132.B.Kumaresan
- 133.D.Saravanan
- 134.M.Devendiran
- 135.C.Ramesh



136.V.Prakash
137.K.Dhandapani
138.T.Kathirkaman
139.V.Balamurugan
140.B.Ramesh
141.R.Priyarani
142.V.Azhagumathi
143.E.Vasumathi
144.B.Panjamoorthy
145.P.Kamalanathan
146.G.Kalaivanan
147.S.Veerasami
148.E.Santhana Krishnan
149.T.Ilayaraja
150.P.K.Bakkiyaraj
151.P.Neelagandan
152.R.Saravanan
153.T.Dhanalakshmi

...Petitioners in W.P.(MD).No.5017 of 2018

-Vs-

- 1.Union of India,
Represented by its Secretary,
Ministry of Agriculture,
Department of Agriculture and Co-operation,
Krishi Bhavan, New Delhi-110 001.
 - 2.The State of Tamil Nadu,
Represented by its Agricultural Production Commissioner and
Principal Secretary to Government,
Agriculture Department, Fort.St.George,
Secretariat, Chennai-9.
 - 3.The State of Tamil Nadu,
Represented by its Principal Secretary,
Finance Department, Fort St.George,
Secretariat, Chennai-9.
 - 4.The Director of Agriculture,
O/o. the Director of Agriculture, Chennai-5.
 - 5.The Principal Accountant General,
O/o. the Principal Accountant General,
Chennai-18.
- ...Respondents in all Petitions

COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Government order in G.O.(D).No.171 Agriculture (AP1) Department dated 19.06.2017 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondents to disburse the arrears of salary of the



petitioner for the period from 01.04.2014 to 22.11.2016 along with interest and to regularize the services of the petitioners in the post of Assistant Agricultural Officers, Agricultural Officers based on their qualification and to grant 10% enhancement in the salary annually, leave benefits within the time period stipulated by this Court.

WEB COPY

For Petitioners	: Mr.T.Lajapathi Roy in all Petitions
For R1	: Mr.J.Jeyakumaran, CGC in W.P.(MD).No.1627 of 2018
For R1	: Mr.D.Saravanan Government Advocate in W.P.(MD).No.17713 of 2017
For R1	: Mr.J.Jeyakumaran, CGC in W.P.(MD).No.3790 of 2018
For R1	: Mrs.L.Victoria Gowri Standing counsel in W.P.(MD).No.5017 of 2018
In all WPs	
For R2 to R4	: Mrs.S.Srimathy Special Government Pleader
For R5	: Mr.P.Gunasekaran

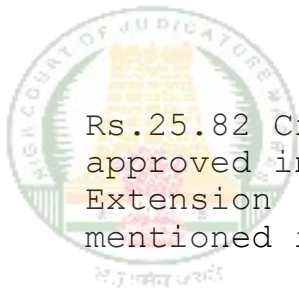
COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners in all these Writ Petitions were appointed by ATMA (Agricultural Technology Management Agency). Except one petitioner, the rest of them have been appointed either as Assistant Technology Manager or as Block Technology Manager. One petitioner alone has been appointed as Computer Programmer. It is not in dispute that all the appointments are contractual in nature. They have been appointed on various dates right from the year 2012 onwards. They have been terminated on the expiry of eleven months and after an artificial break, engaged again. Apprehending that they may be ousted, following the issuance of G.O.(Ms).No.171, Agriculture (AP1) Department, dated 19.06.2017, these Writ Petitions came to be filed.

3.This Court while entertaining these Writ Petitions granted interim order in favour of the Writ petitioners. Now the Government has filed a petition to vacate the interim stay earlier granted by this Court.

4.The learned counsel appearing for the petitioners drew the attention of this Court to paragraph No.4 of the impugned Government Order. It is not in dispute that the scheme is funded both by the Central Government as well as the State Government. By the impugned Government Order, permission has been accorded for diverting and utilising the unspent arrears amount of



Rs.25.82 Crores for implementation of other extension activities, as approved in the State Extension Work Plan (SWEP) of support to State Extension Programmes for Extension Reforms Scheme (SSEPERs-ATMA) as mentioned in the Annexure to this order during the year 2017-2018.

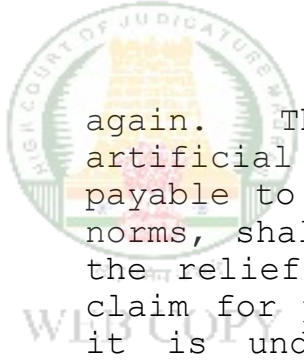
5.The learned counsel appearing for the petitioners expressed his anxiety that if the amount that was earmarked for supporting ATMA Schemes is diverted, the source of funding would turn dry and there would be no money to even to pay the salary for the petitioners.

6.The learned Special Government Pleader appearing for the State Government submitted that there is no proposal to oust the petitioners. She also would contend that it is not for the writ petitioners to raise questions as to the mode of spending by the Government. She submitted that what is contemplated by the Government Order is only a diversion of funds for supporting other activities under the very same scheme.

7.This Court finds considerable force in the aforesaid submission of the learned Special Government Pleader for the State Government. This is not a Public Interest Litigation. The petitioners rights have not been shown to be infringed in any manner by issuance of the impugned Government order made in these Writ Petitions. The order impugned in these Writ Petitions are therefore, sustained. But then the Writ Petitions cannot be closed with this. During the course of arguments, the learned Special Government Pleader supported the artificial break in the services of the writ petitioners. Hence this Court issues the following directions:-

(i).It is made clear that the scheme appointees could have no claim for regularisation. But then so long as the scheme continues, subject to one being fit and not found guilty of any misconduct, the scheme appointee can continue in the said post so long as the scheme is in force.

(ii).The Hon'ble Supreme Court in the decision reported in 1985 4 SCC 43-(Rattan Lal & Others Vs. State of Haryana & Others), deplored the practice of giving artificial break in service. The state Government is expected to function as a model employer. This proposition continues to hold good even in this age of liberalisation and globalisation. The aforesaid judgment was relied on in the subsequent Full Bench decision of the Hon'ble Supreme Court reported in (1991) 2 SCC 599-(Sri Rabinarayan Mohapatra Vs. State of Orissa and others). The very same principle has been reiterated in yet another decision of the Hon'ble Supreme Court reported in (2009) 6 SCC 611-(MD.Abdul Kadir & Another Vs. Director General of Police, Assam & others). Therefore, it cannot lie in the mouth of the State Government to now contend that they are entitled to terminate the services of the contractual employee on the expiry of the 11th month and give artificial break after which engage them



again. This Court makes it clear that the practice of giving artificial breaks shall be discontinued henceforth. The benefits payable to the petitioners/Scheme appointees in terms of the scheme norms, shall be disbursed. In view of the comprehensive nature of the relief given to the petitioners herein, there shall be of no claim for payment of past arrears. However, as regards the future, it is undertaken by the Government that the periodical/annual increment will be given effect in terms of the scheme regulations.

8. These Writ Petitions are disposed of in terms of the directions set out above. No costs. Consequently, the connected miscellaneous petitions are closed.

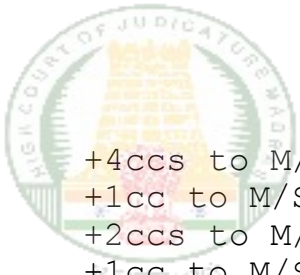
Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Agriculture,
Department of Agriculture and Co-operation,
Krishi Bhavan,
New Delhi-110 001.
2. The Agricultural Production Commissioner and
Principal Secretary to Government,
State of Tamil Nadu,
Agriculture Department,
Fort. St. George,
Secretariat, Chennai-9.
3. The Principal Secretary,
The State of Tamil Nadu,
Finance Department,
Fort St. George,
Secretariat, Chennai-9.
4. The Director of Agriculture,
O/o. the Director of Agriculture,
Chennai-5.
5. The Principal Accountant General,
O/o. the Principal Accountant General,
Chennai-18.



+4ccs to M/S.T.Lajapathi Roy, Advocate SR.No. 57395 to 57398
+1cc to M/S.D.Saravanan, Advocate SR.No. 57178
+2ccs to M/S.J.Jeyakumaran, Advocate SR.No. 57544
+1cc to M/S.P.Gunasekaran, Advocate SR.No. 57676
+1cc to Special Government Pleader, SR.No. 57925 to 57927
+1cc to M/S.L.Victoria Gowri, Advocate SR.No. 57406

W.P. (MD) Nos. 1627/18 & 17713/17,
3790 & 5017 of 2018
22.03.2018

tsg

JM/RSK/SAR 4/26.04.2018/12P/16C