

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25812 of 2019

M.Pushparaj

.. Petitioner

Vs.

1.The Government of Tamil Nadu represented by the Agricultural Production Commissioner and Secretary to Government, Agriculture Department, Fort St.George, Chennai - 600 009.

2.The Director of Horticulture and Plantation Crops, Chepauk, Chennai - 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 22.10.2018 requesting for exempting him from the Training Programme ordered in G.O.Ms.No.457, Agriculture Department dated 28.07.1993 and upgrade him as Assistant Horticulture Officer.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader

ORDER

The prayer sought for in this Writ Petition is to direct the 2nd respondent to consider the petitioner's representation dated 22.10.2018 requesting for exempting him from the Training Programme ordered in G.O.Ms.No.457, Agriculture Department dated 28.07.1993 and upgrade him as Assistant Horticulture Officer.

2. The case of the petitioner is that he is working as Field Administrative Officer in the Office of the Assistant Director of Horticulture, Kandhili, Vellore District. He was initially appointed as Field Demonstration Officer in the year 1991 and he has been working in the said post for more than 27 years. While being so, on 28.07.1993, G.O.Ms.No.457, Agriculture (AA-V) Department, the Government of Tamil Nadu was issued directing that 323 qualified Grade - I Field Demonstration Officers shall be upgraded as Assistant Agricultural Officers in the year 1993. The said 323 qualified Grade - I Field Demonstration Officers shall be upgraded as

Assistant Agricultural Officers after imparting 21 days of special training to the Field Demonstration Officers. In the list for undergoing training, the petitioner's name was included in Sl.No.56. The training was commenced on 18.03.2003 for a period of 21 days.

3. It is the further case of the petitioner that even before the said proceedings were issued, the petitioner was on medical leave and was taking treatment for mental illness at the time of training. Thereby, the petitioner was not able to undergo the said training. In the year 2003, the petitioner was placed under suspension for certain allegations based on audit objections and subsequently reinstated in service in the year 2009. Thereafter, on 22.10.2018 the petitioner made a representation to the 2nd respondent requesting to exempt him from the said training and upgrade him as an Assistant Horticultural Officer. However, no order has been passed on the said representation. Therefore, the present Writ Petition has been filed.

4. Mr.A.N.Thambidurai, learned Special Government Pleader would submit that the Government vide G.O.Ms.No.457, Agriculture Department, dated 28.07.1993 has upgraded 323 Grade - I Field Demonstration Officers as Assistant Agricultural Officers. Subsequently, the Government has decided to upgrade another set of 323 Field Demonstration Officers as Assistant Agricultural Officers and for the purpose of upgradation, it was decided to impart skills in the way of Special 21 days training under Tamil Nadu Agricultural Development Project. Accordingly, many Field Demonstration Officers have undergone training and the petitioner was also selected for training for a period of 21 days. However, the petitioner has not attended the training for medical reasons.

5. The learned Special Government Pleader would further submit that the petitioner was placed under suspension for a grave misconduct for the substantiated allegations held against him regarding alleged malpractice in execution of Wasteland Development Scheme in the way of swindling Government money to the tune of Rs.2,53,350/- depositing an amount of Rs.25,500/- only out of Rs.2,78,850/-. Regarding this issue, disciplinary proceedings under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has been initiated. Subsequently, his suspension was revoked on 19.02.2009. Thereafter, the petitioner was imposed with a punishment of stoppage of increment for three years without cumulative effect and a recovery of Rs.2,53,350/- in equal installments has been ordered.

6. The learned Special Government Pleader would also submit that the petitioner has not attended the training from 18.03.2003 which was fixed as mandatory for upgradation as Assistant Agricultural Officer. Immediately after the training period the petitioner was imposed with punishment which is a clear cut bar for elevation in the way of upgradation. Further, the petitioner is the only person remaining, and that too after a period of fifteen years, it is not necessary to the Government to consider the case of the petitioner for upgradation. Therefore, he sought for the dismissal of the Writ Petition.

7. Heard the counsel and perused the papers.

8. It is an admitted fact that the petitioner has not undergone training which is mandatory for the upgradation as Assistant Agricultural Officer. It is also to be noted that disciplinary proceedings under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was initiated against the petitioner and punishment of stoppage of increment for three years without cumulative effect has been imposed against the petitioner. For the purpose of upgradation or promotion or any type of elevation, the person should have unblemished service.

In these circumstances, I do not find any reason to allow this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (C.S.VI),

/True Copy/

Sub Assistant Registrar

To

1. The Agricultural Production Commissioner and Secretary to Government,
Government of Tamil Nadu, Agriculture Department,
Fort St. George, Chennai - 600 009.

2. The Director of Horticulture and Plantation Crops,
Chepauk, Chennai - 600 005.

+1 cc to The Government Pleader Sr.No. 97622

AKM/27.01.2020/3P-4C /

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