

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.23244 of 2019

A.Parameswaran ... Petitioner

Vs.

1. The Director of Horticulture,
Horticulture Department,
Chepauk,
Chennai - 600 005.
2. The Director of Agriculture,
Agriculture Department,
Chepauk,
Chennai - 600 005.
3. The Joint Director of Horticulture,
Joint Director of Horticulture Office,
Krishnagiri District - 635 115.
4. The Joint Director of Agriculture,
Joint Director of Agriculture Office,
Dharmapuri District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 24.07.2019 of the petitioner for request to give posting order as Assistant in the 4th respondent office or any other vacancy concerned of Agriculture Department in Dharmapuri District with all consequential benefits and in accordance with law within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The writ petition has been filed for issuance of a writ of mandamus, directing the respondents to consider the representation of the petitioner dated 24.07.2019, requesting to post him as Assistant in the 4th respondent's office or in any other vacancy in Agriculture Department in Dharmapuri District

with all consequential benefits and in accordance with law within a time to be stipulated by this Court.

2.The case of the petitioner is that he was appointed as Junior Assistant on compassionate grounds on 12.08.1994 and allotted to the Directorate of Agriculture Department. Further, his services were regularized and he was promoted as Assistant on 26.05.2012 and posted in the office of the Deputy Director of Horticulture, Dharmapuri. Thereafter, the petitioner made a representation dated 14.03.2018, requesting transfer to his parent department in a vacant place at Dharmapuri, however, he was transferred and posted in the office of Joint Director of Horticulture, Uthagai, The Nilgiris District. Therefore, the transfer order dated 10.04.2018 was challenged by the petitioner in W.P.No.16496 of 2018. While the case was pending, the 1st respondent cancelled the transfer order dated 10.04.2018 and posted the petitioner in the Office of the Joint Director of Horticulture, Krishnagiri District. Though, the petitioner's parent department being the Agriculture Department, he is working in the Horticulture Department for nearly seven years and unless he is posted in his parent department, his lien would be cut and he would lose his seniority, promotion, etc. Under these circumstances, the petitioner made a representation to the respondents on 05.04.2019, indicating that there is a vacancy in the cadre of Assistant in the office of the Deputy Director of Agriculture (Agri Business), Dharmapuri District. As against the inaction of the 1st respondent, the petitioner filed W.P.No.15291 of 2019 and this Court directed the 3rd respondent to consider the representation of the petitioner dated 05.04.2019. Accordingly, on 24.07.2019, the 1st respondent passed an order stating that there is no vacancy in the cadre of Assistant to accommodate the petitioner.

3.On coming to know that a vacancy has arisen in the office of the Joint Director of Agriculture, Dharmapuri District, the petitioner made representations on 05.07.2019, 24.07.2019 and 04.10.2019 to accommodate him in the said vacancy in Dharmapuri District. However, till date, his representation has not yet been considered by the respondents. Due to the inaction of the respondents, the petitioner has come forward to file this writ petition.

4.Heard learned counsel appearing for the petitioner and learned Special Government Pleader, appearing for the respondents.

5.Considering the limited prayer sought for by the petitioner in this writ petition and the submissions made by the learned counsel on either side, it would suffice, if a direction is issued to 1st respondent to consider the representation of the

petitioner dated 04.10.2019 and pass orders on merits and in accordance with law, as expeditiously as possible and in any event, not beyond a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Director of Horticulture,
Horticulture Department,
Chepauk,
Chennai - 600 005.
2. The Director of Agriculture,
Agriculture Department,
Chepauk,
Chennai - 600 005.
3. The Joint Director of Horticulture,
Joint Director of Horticulture Office,
Krishnagiri District - 635 115.
4. The Joint Director of Agriculture,
Joint Director of Agriculture Office,
Dharmapuri District.

+1 CC to Mr. P. Ganesan, Advocate sr 86630.
+1 CC to The Govt. Pleader sr 86894.

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SVI (CO)
SP (30/10/2019)