



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.6379 of 2014

and

M.P.(MD) No.1 of 2014

K.Ramasamy

... Petitioner

vs.

1.State of Tamil Nadu

rep.by its Principal Secretary Cum
The Agricultural Production Commissioner
Department of Agriculture
Secretariat,
Fort St.George
Chennai-09

2.The Commissioner of Agriculture
O/o.Commissioner of Agriculture
Chepauk,
Chennai-5

3.The Joint Director of Agriculture
No.18, Melakanmai Street
Thallakulam, Madurai
Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order in letter in No.20092/Ve.Ni4(1)/2013-2, dated 11.02.2014 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to award Selection Grade to the petitioner in the post of Assistant from 01.04.2003 with consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader



ORDER

The order of rejection, dated 11.02.2014, passed by the first respondent, rejecting the claim of the writ petitioner for grant of selection grade, is under challenge in the present writ petition.

2. The impugned order states that the case of the writ petitioner for grant of selection grade in the post of Assistant on completion of ten years of service was not considered in view of the fact that departmental disciplinary proceedings were initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The writ petitioner attained the age of superannuation on 30.04.2011 and retired from service.

3. The writ petitioner was appointed as Junior Assistant on 27.04.1982. He has served for about 29 years. A charge memo, dated 11.03.2003, was issued against the writ petitioner and the departmental disciplinary proceedings were ended with an order of punishment. Thus, the writ petitioner was not considered for grant of selection grade during the relevant point of time.

4. As per the Government policy issued with regard to the grant of selection grade, special grade as well as promotion enumerates that an employee, who is facing departmental disciplinary proceedings is not entitled for selection grade or special grade. In the present case on hand, the writ petitioner was facing the currency of punishment and therefore, his case was not considered. Thus, there is no infirmity in respect of the decision taken by the respondents. However, the authority competent is bound to consider the case of the writ petitioner for grant of selection grade, after expiry of the currency period of punishment, if he is otherwise qualified, in accordance with the terms and conditions of grant of selection grade. Thus, the case of the writ petitioner is to be considered in accordance with the rules in force, after expiry of the currency period of punishment.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

krk



To:

1.The Principal Secretary Cum
The Agricultural Production Commissioner,
Department of Agriculture,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-09.

2.The Commissioner of Agriculture,
O/o.Commissioner of Agriculture,
Chepauk, Chennai-5.

3.The Joint Director of Agriculture,
No.18, Melakanmai Street,
Thallakulam, Madurai,
Madurai District.

+1 CC to Mr.T.LAJAPATHIROY, Advocate SR-82401.

+1 CC to SPL GP SR-82468.

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and
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CS (29.08.2019) 3P 6C