

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.38029 of 2005
and W.M.P.No.40692 of 2005

Dr.R.Madhavan

...Petitioner

Versus

1.The Commissioner of Agriculture,
Agriculture Department,
Chepauk, Chennai-600 005.

2.The Joint Director of Agriculture,
Collectorate (Post),
Dharmapuri-636 705.

3.The Assistant Soil Chemist,
Soil Testing Laboratory,
Dharmapuri-636 701.

....Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the communication in No.AOS1/70793/2005, dated 20.05.2005 of the 1st respondent and quash the same.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent in No.AOS1/70793/2005, dated 20.05.2005 and to quash the same.

2. No representation for the petitioner despite several opportunities given.

3. The case of the petitioner as per the affidavit in the Writ Petition is that he was working as Agricultural Officer (Chemistry), Soil Testing Laboratory, Dharmapuri, with effect

from 10.11.1989. He joined the present post of Agricultural Officer with an educational qualification of B.Sc(Agriculture) degree. Thereafter, he opted for deputation to study M.Sc (Agriculture) at Tamilnadu Agricultural University, Coimbatore during the period April 1995 to April 1997. He completed the course by scoring 9.19 out of 10.00 O.G.A.P. Thereafter, he pursued Ph.D (Agriculture) under External system of Annamalai University during the period May 1999 to April 2004.

4. It is further averred in the affidavit that as per G.O.Ms.No.570 Agriculture (AA1) Department dated 1.4.1970, the petitioner was eligible for three advance increments for his additional educational qualifications; two advance increments for possession of M.Sc (Agriculture) degree and one increment for Ph.D (Agriculture) qualification. Thereafter the first respondent communicated the second respondent vide letter dated 20.5.2005 stating that the petitioner is not eligible for such advance increments as he acquired M.Sc (Agriculture) degree after 06.05.1985 as the persons those who acquired such additional educational qualifications during the period of 5.9.1982 to 6.5.1985 alone are eligible for such advance increments, as per the G.O.No.65 Agriculture (A.A.V) Department dated 24.7.1998. There is no such limitation framed by the Government as stated in the above letter dated 20.5.2005 of the first respondent for such advance increments. Therefore, the petitioner is challenging the order passed by the second respondent and is seeking a direction to the respondent to extend the benefit as per the Government Order and all the juniors has given the same benefit.

5. The learned Special Government Pleader would submit that he has completed his M.Sc (Agriculture) degree during the year 1995 to 1997. As per the Government Order the petitioner is not eligible for such advance increments as he acquired M.Sc (Agriculture) degree after 6.5.1985. As the persons those who acquired such additional educational qualifications during the period 5.9.1982 to 6.5.1985 alone are eligible for such advance increment as per G.O.No.(D) 65 Agriculture (A.A.V) Department dated 24.7.1998. The petitioner has completed his degree only after 1985. He further submitted that even as per G.O (Ms) No.97 dt.05.07.2010, no such increment is permissible now. Under these circumstances the petitioner is not entitled for any advance increment and the relief sought for by the petitioner may be dismissed.

6. Heard the learned Special Government Pleader and perused the materials available on record.

7. Admittedly at the time of joining the duty the petitioner had passed only B.Sc (Agriculture). While in service he acquired M.Sc (Agriculture) during the period of April 1995 to April 1997. Thereafter, he completed Ph.D at Annamalai University in the year 2004. Even as per G.O.(Ms).No.97 dated 05.07.2010 there is no advance increment is permissible. Further, as pointed out by the learned Special Government Pleader the petitioner acquired additional educational qualification i.e. M.Sc in the year 1997. Therefore, he is not eligible for advance increment. Therefore, the rejection order passed by the Government does not warrant any interference. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy//

Sub Assistant Registrar

mpa

To

- 1.The Commissioner of Agriculture,
Agriculture Department,
Chepauk, Chennai-600 005.
- 2.The Joint Director of Agriculture,
Collectorate (Post),
Dharmapuri-636 705.
- 3.The Assistant Soil Chemist,
Soil Testing Laboratory,
Dharmapuri-636 701.

+1cc to Government Pleader, SR.No.37383

W.P.No.38029 of 2005

SR(CO)
KKV/14/12/2020

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