

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11462 of 2020
and WMP No.13996 of 2020

S.Annamalai

.. Petitioner

-Vs-

1. The State of Tamil Nadu rep. By its Secretary to Government, Agriculture Department, Secretariat, Chennai - 9.
2. The Director of Agriculture, Chepauk, Chennai - 5,
3. The Joint Director of Agriculture, Semmandalam, Cuddalore-1, Cuddalore District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records connected in the Letter No.A3/9976/2018 dated 15.02.2019 of the 3rd respondent and quash the same and consequently direct the respondents to upgrade the petitioner as Assistant Agricultural Officer only for the purpose of fixation of pension.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents: Mr.J.Ramesh
Additional Govt. Pleader

O R D E R

This matter is taken up through web hearing.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Certiorarified Mandamus, calling for the records connected in the Letter No.A3/9976/2018 dated 15.02.2019 of the 3rd respondent and quash the same and consequently direct the respondents to upgrade the petitioner as Assistant Agricultural Officer only for the purpose of fixation of pension."

3. The case of the petitioner is that he was originally appointed as Field Demonstration Maistry in 1957. The said post was re-designated as Field Demonstration Assistant Grade-I in 1962. The said post was further re-designated as Field Demonstration Officer Grade-I on 28.03.1981, with effect from 01.10.1978. The petitioner retired from service on 30.06.1997.

4. According to the petitioner, while he was in service, Government issued order in G.O.Ms.No.457, Agriculture (AA.V) Department dated 28.07.1993, providing of promotion in certain category of officers in the Agricultural Department. According to the petitioner, his juniors were sent for Special Training for upgrading them as Assistant Agricultural Officer in 1996 and they were upgraded as Assistant Agricultural Officer and they are getting more pensionary benefits.

5. The grievance of the petitioner is that he was not sent for training for no fault of his, as per the above Government Order and because of the said fact that his pensionary benefits had been affected on his retirement on 1997.

6. In this regard, the petitioner appears to have submitted a representation on 27.07.2018 and the representation was also rejected by the respondents on 15.02.2019 on the ground that there was no entry in the Service Record book about the fact of petitioner completing Special Training for 21 days, for him to be upgraded to the post of Assistant Agricultural Officer. The petitioner appears to have submitted another representation on 16.03.2020 and no further action was forthcoming. Hence, he is before this Court, challenging the rejection order dated 15.02.2019.

7. The learned counsel appearing on behalf of the petitioner reiterated the above facts and also attempted to impress upon this Court as to the petitioner's entitlement to be sent for Special Training for a period of 21 days along with his juniors in 1996. But since, the petitioner was not sent for training, he was not upgraded as Assistant Agricultural Officer in 1996 and denied the consequential benefits thereof. According to the

learned counsel, since the representation was rejected on 15.02.2019, he has challenged the same before this Court.

8. This Court is unable to appreciate as to how the petitioner could legitimately have any grievance, at this distance of time, when he stood retired from service way back in 1997. The actual grievance of the petitioner was in relation to his batchmates / juniors being sent to Special Training for the purpose of upgradation to the next higher post in 1996. If at all, the petitioner had any grievance, he ought to have agitated the same immediately, when his name was not included for the Special Training.

9. Moreover, this Court is also unable to appreciate that after a period of more than 20 years, some representation was given in 2018 and that representation was replied by the respondents on 15.02.2019, which obviously, the petitioner has used that communication to launch this litigation as if the claim of the petitioner is alive and kicking.

10. After a period of 23 years, this Court cannot appreciate the grievance of the petitioner whether he was rightly or wrongly not sent for the training. In matters of promotion, it is certainly imperative upon the Government Servant to approach the Court at the earliest point of time, since the issue of promotion is also relatable to seniority and also relatable to further career progression, during the period of service of the Government Servant. In such circumstances, the petitioner cannot be allowed to leisurely pursue his claim against the respondents, as per his convenience and choice. Hence, the claim of the petitioner is hopelessly time barred and cannot be entertained even for a second. The writ petition is dismissed, as not maintainable. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

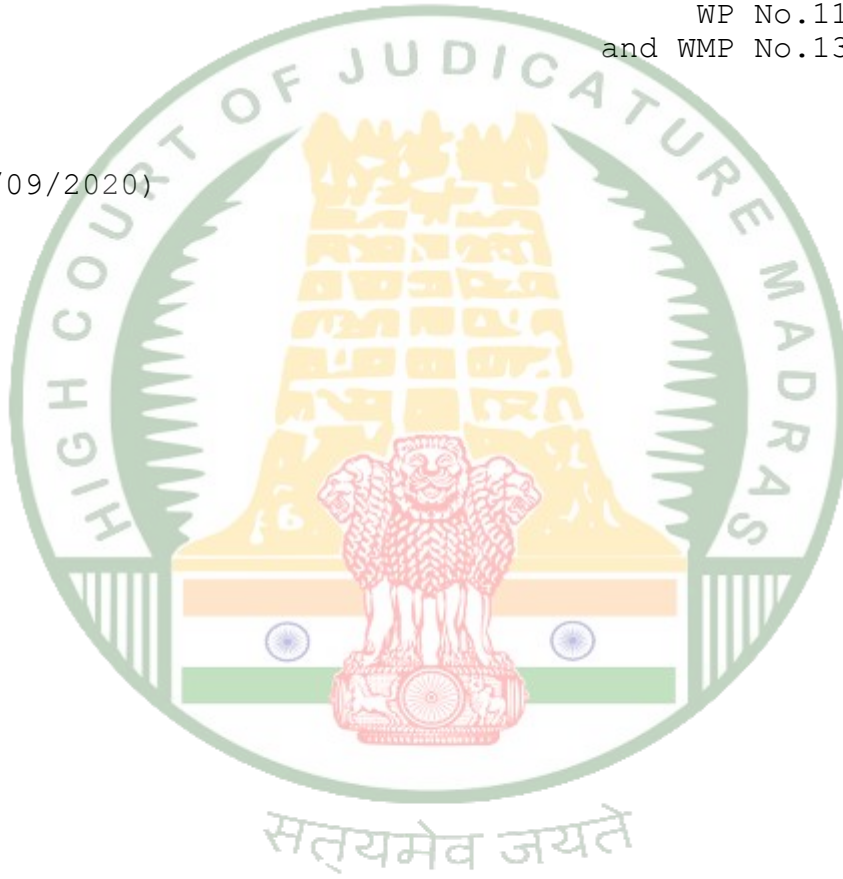
1. The Secretary to Government,
State of Tamil Nadu
Agriculture Department,
Secretariat, Chennai - 9.

2. The Director of Agriculture,
Chepauk, Chennai - 5,
3. The Joint Director of Agriculture,
Semmandalam, Cuddalore-1,
Cuddalore District.

+1cc to Mr.G.Elanchezhiyan, Advocate, Sr.No.28709

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