

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.20848 of 2017

J. Mohanbharathi ... Petitioner

-vs-

1. State of Tamil Nadu
Secretary to Government
Agriculture Department
Fort St. George,
Chennai – 9

2. Chief Engineer Agricultural Engineering Department
487, Anna Salai,
Nandanam,
Chennai – 35

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Declaration to declare the word “direct” contained under sub-class 1 of class IV of table to Rule 2(a) and 2(b) of Special Rules read with item (i) of Class IV of Annexure to Rule 6(b) of the Special Rules as ultra vires, unconstitutional and void or in the alternation, read down the word direct or sever that word from item (i) so as to comprehend within its scope “promotion”also.

For Petitioner : No appearance
For Respondents : Mr.V. Jayaprakash Narayanan
State Govt. Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It appears that the writ petition was filed in the year 2017 for declaring the word "direct" contained under sub-class 1 of class IV of table to Rule 2(a) and 2(b) of Special Rules read with item (i) of Class IV of Annexure to Rule 6(b) of the Special Rules as ultra vires and to delete that word.

2. The State Government filed counter affidavit along with the particulars of G.O.Ms.273, Agriculture (AA3) Department dated 19.09.2016 and G.O.Ms.No.284, Agriculture (AA3) Department dated 17.11.2017 contending that the relief as prayed for by the writ petitioner has already been addressed to and consequently nothing survives in the writ petition. Paragraph Nos.8 and 9 of the counter affidavit are extracted herein under:-

"8. In this regard, it is submitted that the Government vide G.O.Ms.No.273, Agriculture (AA3) Department, dated 19.09.2016 has already deferred the direct recruitment to the post of Assistant Executive Engineer (Agricultural Engineering) and deleted the provision from the Special Rules for the Tamil Nadu Agricultural Engineering Services in the way of policy decision. Further, the Government vide G.O.Ms.No.284, Agriculture (AA3) Department, dated 17.11.2017 has issued necessary amendments to the Special Rules for the Tamil Nadu Agricultural Engineering Services. Hence, now, there are only two methods of appointment to the post of Assistant Executive Engineer (Agricultural Engineering) viz., 1) promotion from Assistant Engineer (Agricultural Engineering) and 2) recruitment by transfer from Junior Engineer (Agricultural Engineering).

9. It is submitted that since the direct recruitment to the post of Assistant Executive Engineer (Agricultural Engineering) was deferred with the concurrence of Tamil Nadu Public Service Commission as stated above vide G.O.Ms.No.284, Agriculture (AA3) Department, dated 17.11.2017, the prayer of the petitioner has been met with.

Hence, the writ petition became infructuous at this stage."

3. We find from the order sheet that adjournments were being granted in the absence of the petitioner since 04.06.2018 and no one has appeared on behalf of the petitioner even today.

4. In the wake of these developments, Mr.V. Jayaprakash Narayanan, learned State Government Pleader prays that the matter may be consigned to records as nothing survives in the matter.

5. We agree with his submission. The writ petition is accordingly consigned to records without prejudice to the rights of the petitioner to seek any recall in the event anything survives. No costs.

(A.P.S., CJ.) (S.K.R., J.)

01.09.2020

Index : Yes/No
sr

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The Hon'ble Chief Justice
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