



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.14937 of 2014

WEB COPY

V.Raveendranath

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Agriculture,
Chepauk, Chennai-600 005.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to grant notional promotion to the petitioner as Administrative Officer and treat the petitioner as retired in the post of Deputy Director (Administration) in the Agriculture Department granting all the pay and arrears payable to the said post on par with his immediate juniors with proportionate terminal benefits and family pension by virtue of the order dated 26.04.2011 in W.P.No.8753 of 2006 on the file of this Court, as if the petitioner was not subjected to any disciplinary proceedings, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.D.Muruganandham
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to grant notional promotion to the petitioner as Administrative Officer and treat the petitioner as retired in the post of Deputy Director (Administration) in the Agriculture Department granting all the pay and arrears payable to the said post on par with his immediate juniors along with the terminal benefits.

2. Learned Counsel appearing on behalf of the writ petitioner made a submission that the petitioner retired from service on attaining the age of superannuation on 30.09.2012. He has served about 38 years in the department. The grievances of the writ petitioner is that he was not considered for promotion to the post of Administrative Officer and Deputy Director (Administration) on par with his juniors. In this regard, the petitioner has stated that the name of the writ petitioner was not considered at the



relevant point of time, in view of the fact that a charge memo was framed against him. The charge memo was framed after a lapse of many years and the petitioner has approached this Honourable Court by filing a writ petition. The charge memo framed against the writ petitioner was quashed by this Court in W.P.No.8753 of 2006. The writ petitioner, along with the order passed by this Court quashing the charge memo, made a representation to the authorities to consider his case for promotion to the post of Administrative Officer and Deputy Director (Administration) on par with his juniors. However, the respondents have not considered his case for promotion. Thus the petitioner is constrained to move the present writ petition.

3. The writ petitioner states that he is fully qualified for the promotion to the post of Deputy Director (Administration). Admittedly, his juniors were promoted to the post of Deputy Director and therefore he is entitled for notional promotion along with the benefits as he has reached the age of superannuation.

4. Learned Additional Government Pleader appearing on behalf of the respondents disputed the said grounds by stating that admittedly the junior to the writ petitioner was promoted. The charge memo issued against the writ petitioner was already quashed. Thereafter the authorities have considered the case of the writ petitioner for grant of promotion. However he was not provided the benefit of promotion in view of the fact that the writ petitioner reached the age of superannuation on 30.09.2012. At the time of retirement, the panel for promotion to the post of Deputy Director (Administration) was approved as per G.O.(2D) No.154, Agri(AA4) Department, dated 29.11.2012. However, the petitioner was retired from service even before the promotion was granted to his junior to the post of Deputy Director (Administration). Therefore, the case of the petitioner was not considered. The said position was elaborately stated in paragraph No.8 of the counter statement filed by the respondents and the same is extracted hereunder:

"8. It is submitted that as on date the revised seniority of the petitioner in the post of Superintendent has been fixed as 29(a)/2000. It is observed that, Thiru.S.Ganapathy Chandrasekaran, who is the immediate junior to the petitioner, was promoted as Administrative Officer in the panel drawn as on 2009-2010. Hence, action would be perused in this regard. However with regard to the another prayer of the petitioner to promote him to the post of Deputy Director (Administration), it is admitted that his junior was promoted as Deputy Director (Administration) panel, drawn as on 2012-2013 and the said panel was approved on 29.11.2012 as per G.O.(2D) No.154, Agri(AA4) Department, dated 29.11.2012, by the time the petitioner had already retired from the Government service



i.e., on 30.09.2012 attaining Superannuation. Therefore it is submitted before this Hon'ble Court, that no junior was promoted as Deputy Director (Administration) prior to the retirement of the petitioner ie., on or before 30.09.2012. Therefore the prayer of the petitioner to issue orders to treat him as Deputy Director (Administration) retired is against the statutory rules in force."

5. In view of the fact that the writ petitioner was retired from service even before the grant of promotion to the post of Deputy Director (Administration), his case was not considered and therefore the petitioner is not entitled for the relief as such sought for in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

To

1.The Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Agriculture,
Chepauk, Chennai-600 005.

+1 CC to SGP (SR-19613[F] dated 09/10/2020)

W.P. (MD)No.14937 of 2014

08.10.2020

NA (CO)

NR (22/10/2020) 3P : 4C