

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2702 of 2021

S.Gomathy

...Petitioner

Vs

1. The Agriculture Production Commissioner & Secretary,
Secretariat, Chennai - 600 009.

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

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to consider the petitioner representation, dated 12.12.2020 and to prepare a revised panel for promotion to the post of Joint Director of Agriculture (Research) (Chemistry Wing) for the year 2014 - 2015 and include the petitioner name in the said list and consequently, give notional promotion to her for the said post from 01.04.2015, the date on which the vacancy arises and re-fix her salary with all emoluments retrospectively and to pay the arrears of salary to the petitioner.

For Petitioner : Mr.M.Narayanaswamy

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

सत्यमेव जयते
O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to consider the petitioner representation, dated 12.12.2020 and to prepare a revised panel for promotion to the post of Joint Director of Agriculture (Research) (Chemistry Wing) for the year 2014 - 2015 and include the petitioner name in the said list and consequently, give notional promotion to her for the said post from 01.04.2015, the date on which the vacancy arises and re-fix her salary with all emoluments retrospectively and to pay the arrears of salary to the petitioner.

2. By consent of both sides, the orders are passed in the writ petition. Mr.J.Pothiraj, Special Government Pleader takes notice for respondents.

3. The case of the petitioner is that she had joined the Service as Agricultural Officer on 26.11.1980 and subsequently promoted to various posts and retired from service after attaining the age of Superannuation on 30.06.2015. The grievance of the petitioner is that she would have been promoted to the post of Joint Director of Agriculture (Research) (Chemistry Wing) even before her date of retirement, i.e. on 30.06.2015, if the 2nd respondent has given correct particulars in respect of vacancies arisen for the year 2014-2015 to the 1st respondent and she would have been made as a first female Joint Director of Agriculture (Research) (Chemistry Wing) in the Department. Hence, she made a representation to the 1st respondent on 12.12.2020 to prepare a revised panel for promotion to the said post for the year 2014-2015 by including her name in the said list and for a consequential direction to grant notional promotion to her for the said post from 01.04.2015, the date on which the vacancy arises and to re-fix her salary with all emoluments retrospectively and to pay the arrears of salary to the petitioner. As there is no response on her representation, the petitioner is before this Court.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the first respondent to consider the representation of the petitioner dated 12.12.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 12.12.2020 and this order, to the 1st respondent forthwith. The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served

for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

vum
Sub Assistant Registrar

To:

1. The Agriculture Production Commissioner & Secretary,
Secretariat, Chennai - 600 009.
2. The Director of Agriculture,
Chepauk, Chennai - 600 005.

+1cc to M/s.M.Naraayanaswamy, Advocate, S.R.No.6920
+1cc to the Government Pleader, S.R.No.7520

W.P.No.2702 of 2021

CP(CO)
KKV/18/03/2021



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