

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 4293 of 2012

D.Rajendran

... Petitioner

-vs-

1.The State of Tamil Nadu  
Represented by its  
Secretary-cum-Commissioner Agricultural  
and Production,  
Agricultural Department,  
Fort St.George,  
Chennai - 600 009.

2.The Joint Director,  
Villupuram, Agricultural Department.

3.The Commissioner,  
Chepauk, Agricultural Department,  
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent herein to promote the petitioner as per the Statewide Seniority list and grant retrospective attended benefits from 01.01.2008 on which day the petitioner is eligible for promotion.

For Petitioner : Mr.Sanjeerkumar  
for M/s.Royan Law Associates

For Respondents : Mrs.K.Bhuvaneswari  
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent herein to promote the petitioner as per the Statewide Seniority list and grant retrospective attended benefits from 01.01.2008 on which day the petitioner is eligible for promotion.

2. The petitioner was joined as Agricultural Officer and at the time of filing this Writ Petition, he was serving in the said post. However, in the meanwhile, there has been a disciplinary proceedings under 17(B) charges and by virtue of the same, he was not considered for promotion. Therefore, in order to get the promotion, he seeks for a mandamus to give a direction to the first respondent to promote him as a Deputy Director as per the Statewide Seniority list and grant retrospective attended benefits with effect from 01.01.2008.

3. When the case is taken up for hearing, the learned counsel appearing for the petitioner would submit that, even though, as of now, there has been no further instructions as to the current position of the case, as when the Writ Petition was filed in the year 2012, the petitioner was 52 years of age. Therefore, definitely, by this time, he would have retired from service on superannuation.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents by relying upon the averments made in the counter affidavit filed by the respondents would submit that, the petitioner was not considered for the promotion to the post of Deputy Director in view of the pendency of the disciplinary proceedings and also subsequent currency of the punishment and this aspect has been considered and his candidature was rejected for giving such promotion as Deputy Director of Agriculture and in this regard, following averments made in the counter affidavit has been relied upon by the learned Additional Government Pleader, which reads thus:

"7. With reference to the averments made in paragraphs 7 and 8 of the affidavit, it is submitted that the name of the petitioner herein has been considered for promotion to the next higher post of Assistant Director of Agriculture right from the time he was found eligible as per his seniority. As already stated in the proceeding paras, the petitioner herein is found not eligible to be promoted as per rules in vogue. Hence there is no merit in the prayer of the petitioner herein seeking promotion to the post of Deputy Director of Agriculture."

5. I have considered the said submissions made by both parties and have perused the materials placed before this Court.

6. Though the petitioner by this time might have reached superannuation and retired from service, peacefully, whether he would be entitled to get a promotion as Deputy Director of

Agriculture, as he claimed is a question and in order to answer the same, the respondents have taken the stand that because of the currency of the punishment, he was not considered for promotion, subsequently he reached superannuation and retired from service and it has been clearly mentioned in the counter affidavit which has not been controverted by the petitioner also.

7. In that view of the matter, this Court feels that, the prayer sought for in this Writ Petition cannot be granted and hence, this Writ Petition fails and accordingly, it is dismissed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

1. The Secretary-cum-Commissioner Agricultural and Production,  
The State of Tamil Nadu  
Agricultural Department,  
Fort St.George,  
Chennai - 600 009.
2. The Joint Director,  
Villupuram, Agricultural Department.
3. The Commissioner,  
Chepauk, Agricultural Department,  
Chennai - 600 005.

+1 cc to The Government Pleader Sr.No. 16256

PMK(CO)  
RMP(01/04/2021)

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