



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.07.2021

CORAM :

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO..8002 OF 2014

P. Chandrasekaran

... Petitioner

Vs

The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue an appropriate order, directions or writ including a writ of Certiorarified Mandamus to call for the record relating to the impugned order of the respondent in Me.Pa.2/53050/2012 dated 14.02.2014 and quash the same and direct the respondent to retain the petitioner in the post of Junior Engineer (Agricultural Engineering) and grant him all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondent : Mr.C.Selvaraj
Government Advocate

ORDER

Challenge has been made to the order of revision in proceedings Se.Mu.No.Me.Pa.2/53050/2012 dated 14.02.2014 by the respondent.

2. According to the petitioner, he was initially appointed as Assistant Soil Conservation Officer on 19.01.1983



and he was thereafter promoted as Junior Engineer (Agricultural Engineering) on 16.11.2007. As per the Rule 9 (a) (ii) of the Tamil Nadu Agricultural Subordinate Service Rules, for promotion to the post of Junior Engineer, the incumbent should have passed the departmental examination within a period of five (5) years. Since the petitioner had not passed the examination within the period of five years, he was reverted to the post of Assistant Soil Conservation Officer.

3. According to the petitioner, he joined as Junior Engineer with effect from 17.11.2007 in proceedings Me.Pa.2/13328/2008 dated 31.05.2008. Therefore he had five years time up to May, 2013. He ought to have passed the examination before May, 2013, however, he passed the examination belatedly. Therefore, he was reverted from that post.

4. The record of proceedings would show that by virtue of interim order granted by this Court, the petitioner continued in the post of Junior Engineer and retired from service on attaining the age of superannuation.

5. The learned counsel for the petitioner would further submit that in an identical case, a similarly placed person, who was reverted on account of not passing the test in time, was directed to make a representation to the respondent and a further direction to forward the same to the Secretary, Agricultural Department for consideration.

6. In that case, the Government in G.O.M.S No.70 Agricultural Department dated 08.04.2021 considered the case of the writ petitioner therein and regularized his service in relaxation of Rule 9 (a)(ii). Same is the case in respect of two other persons in G.O.(D) No.78, Agricultural Department dated 20.03.2017 and G.O.(D).No.293, Agricultural Department dated 24.11.2017. Therefore, he prays for similar and equal treatment be accorded to him also.

7. Considering the facts and circumstances of the case, I find that the request made by the petitioner for equal treatment on par with the similarly placed persons is reasonable. Therefore, I direct the petitioner to make a representation to the respondent within a period of two (2) weeks from the date of receipt of a copy of this order enclosing the judgment of this



Court as well as Government Orders in the case of similarly placed persons. On receipt of such representation, the respondent is directed to forward the same to the Secretary, Agricultural Department for consideration. The Secretary, Agricultural Department is further directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, taking into consideration the precedents within a period of eight (8) weeks thereafter.

8. The Writ Petition is disposed of on the above lines.
No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

mrn

To

1. The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.
2. The Secretary,
Agricultural Department Port,
St.George, Chennai - 9.

+1cc to M/s.P.Rajendran, Advocate, S.R.No.33816

+1cc to the Government Pleader, S.R.No.33939

W.P.No.8002 of 2014

VSN-II(CO)
RLP(04/10/2021)