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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

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THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.22964 of 2021

and

W.M.P.Nos.24174 & 24175 of 2021

(Through Video Conferencing)

K.Radha

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Agriculture/Registrar
of Agro Engineering Services,
Office of Director of Agriculture,
Chepauk, Chennai - 600 005.
3. The Deputy Registrar of Co-operative Services,
Agro Engineering Services,
Chepauk, Chennai - 600 005.
4. Erumaipatti Agro Engineering and Service
Co-operative Centre Ltd,
Rep by its Liquidator/Special Officer,
Erumaipatti, Namakkal District.
5. The Secretary to Government,
Labour and Employment (P2) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, passed by the 2nd respondent by way of communication letter in Na.Ka.116288/2020/AES-1 dated 08.01.2021 and quash it only to the extent of rejecting petitioner's employment claim as being arbitrary, illegal and consequently direct the respondents to accommodate the petitioner in any existing vacancy, in any one of the Government Departments, as done in the case of



others, on par with them.

For Petitioner : Mr.R.Singaravelan, SC for
Mr.I.Saddam Hussain

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For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner was engaged in the permanent post under the control of the 4th respondent as a Saleswoman/Clerk. Subsequently, the petitioner was retrenched from service along with few others. Some of the persons who were retrenched had approached the Madurai Bench of this Court in W.P.(MD).No.7241 of 2011. The said Writ Petition was disposed vide its order dated 27.11.2014. In the said Writ Petition, it was ordered by directing the respondent therein to absorb the petitioners therein seeking the benefit of re-employment together with backwages etc.,.

2.It is the case of the petitioner that the petitioner is also entitled for similar relief as in the case of the petitioner's as the said order of the Hon'ble Madurai Bench of this Court in W.P.(MD).No.7241 of 2011 dated 27.11.2014 was implemented by the respondents vide G.O.Ms.No.221 Agriculture (AE 2) Department, dated 23.09.2019.

3.It is submitted that the respondents by their communication/order dated 08.01.2021 has also granted backwages and provident fund to the petitioner but have rejected the request of the petitioner for re-employment in the Agriculture Department.

4.Heard the learned Senior Counsel for the petitioner and the learned Government Advocate for the respondents.

5.It is noticed that similarly placed persons have secured order from the Hon'ble Madurai Bench of this Court in W.P.(MD). No.7241 of 2011 dated 27.11.2014 which order has been implemented by the respondent by their Government Order in G.O.Ms.No.221 Agriculture (AE 2) Department, dated 23.09.2019.

6.In the light of the above, the 2nd respondent is directed to consider the representation of the petitioner's dated 16.07.2021 and dispose the same within a period of four months preferably along with the others who have secured orders earlier in W.P.(MD).No.7241 of 2011 dated 27.11.2014.



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7. This writ petition is disposed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Agricultural Production Commissioner
and Principal Secretary to Government,
State of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Agriculture/Registrar
of Agro Engineering Services,
Office of Director of Agriculture,
Chepauk, Chennai - 600 005.
3. The Deputy Registrar of Co-operative Services,
Agro Engineering Services,
Chepauk, Chennai - 600 005.
4. The Liquidator/Special Officer,
Erumaipatti Agro Engineering and Service
Co-operative Centre Ltd,
Erumaipatti, Namakkal District.
5. The Secretary to Government,
Labour and Employment (P2) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 9.

+1cc to Mr.I.Saddam Hussain, Advocate, S.R.No.55944

+1cc to the Government Pleader, S.R.No.55827

W.P.No.22964 of 2021
and

W.M.P.Nos.24174 & 24175 of 2021

PCH(CO)
SU(02/12/2021)