



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)Nos.4981 to 4988 of 2017

and

W.M.P (MD)Nos.4016, 4018, 4020, 4022, 4024, 4026, 4028 and 4030 of 2017

M.Thiruppathi	... Petitioner in W.P(MD).4981/ 2017
A.Francis	... Petitioner in WP(MD). 4982/ 2017
A.Saravanakumar	... Petitioner in WP(MD). 4983/ 2017
R.Muthukumar	... Petitioner in WP(MD). 4984/ 2017
J.Melchi Zedek	... Petitioner in WP(MD). 4985/ 2017
A.Siva	... Petitioner in WP(MD). 4986/ 2017
V.Arunachalam	... Petitioner in WP(MD). 4987/ 2017
M.Suresh	... Petitioner in WP(MD). 4988/ 2017

Vs.

1.The Agricultural Production Commissioner
and Principal
Secretary to Government,
Agriculture Department,
Secretariat,
Chennai-600 009.

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

3.The Joint Director of Agriculture,
Agriculture Department,
Thoothukudi. ... Respondents in W.P(MD).4981,4983 to 4985 and
4988 / 2017

1. The Agricultural Production Commissioner and Principal
Secretary to Government, Agriculture Department, Secretariat,
Chennai 600 009

2. The Commissioner Of Agriculture, Chepauk, Chennai 600 005

3. The Deputy Director Of Agriculture (Agri-Business), Agriculture
Marketing and Agri Business Department, Thoothukudi .

... Respondents in WP(MD).4982,4986,4987/ 2017

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent ie., the Commissioner of Agriculture, Chennai relating to his impugned orders communicated in கடித.எண்.கபநி1/78748/15 நாள்:22.07.2016 and quash the same and consequently, direct the second respondent ie., the Commissioner of



Agriculture, Chennai to revise the Seniority list of Assistant Agricultural Officers based on the petitioner's date of joining in the service in the cadre of Assistant Agricultural Officer as per the provisions contained in Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

(in all WPs)

For Respondents : Mr.Muthugeethayan

(in all WPs)

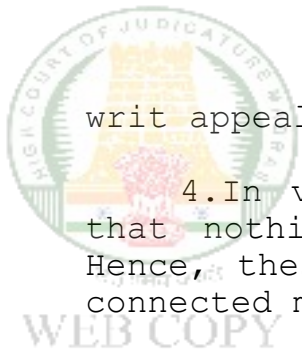
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the impugned order passed by the second respondent in கடித.எண்.கபநி1/78748/15 நாள்:22.07.2016 and quash the same and consequently, to direct the second respondent to revise the Seniority list of Assistant Agricultural Officers, based on the petitioners' date of joining in service in the cadre of Assistant Agricultural Officer, as per the provisions contained in Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules.

2.The case of the petitioners is that the petitioners were serving as Assistant Agricultural Officer in the office of the Assistant Director of Agriculture, Pudukottai Block, Thoothukudi District. They were recruited through District Employment Exchange in the year 2009 and joined duty as Assistant Agriculture Officer and continuing in the same cadre and their services were regularized in the cadre of Assistant Agricultural Officer, with effect from 02.03.2009, 06.03.2009, 09.03.2009 respectively, ie., the original date of joining, as per proceedings, dated 03.11.2010. Further, it is stated that the seniority in the cadre of Assistant Agricultural Officer, which has been fixed hitherto, according to them the date of joining in the Department has been changed, according to the marks obtained at the time of interview. The above said fixation of seniority based on the marks obtained in the interview, has been published including the petitioners' seniority in the proceedings, dated 23.05.2016. While fixing such seniority, objections were called for by the Commissioner of Agriculture, Chennai. Accordingly, the petitioners have presented their objections regarding such wrong fixation of seniority and the said fixation is against the provisions of Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules. However, the petitioners' objection were overruled and the seniority had already been fixed and the same has been confirmed in the letter, dated 22.07.2016. Challenging the same, the present writ petition has been filed.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners submitted that the very same issue has been challenged before the Division Bench of this Court by way of writ appal in W.A(MD)No221 to 225 of 2018, etc., batch, dated 04.03.2018 and the Division Bench of this Court has allowed the said



writ appeal and set aside the order of the learned Single Judge.

4. In view of the above, this Court is of the considered view that nothing survives for adjudication in these writ petitions. Hence, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ns

To

1. The Agricultural Production Commissioner
and Principal
Secretary to Government,
Agriculture Department,
Secretariat,
Chennai-600 009.

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

3. The Joint Director of Agriculture,
Agriculture Department,
Thoothukudi.

4. The Deputy Director Of Agriculture (Agri-Business), Agriculture
Marketing and Agri Business Department, Thoothukudi.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-2651[F] dated 01/02/2021)

+1 CC to M/s.GP (SR-2841[F] dated 02/02/2021)

W.P. (MD)Nos.4981 to 4988 of 2017

and

W.M.P(MD)Nos.4016, 4018, 4020, 4022, 4024, 4026, 4028 and 4030 of

2017

01.02.2021

sv2 (CO)

KK(08.02.2021) 3P 7C