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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7253 of 2015
and
M.P.Nos.1 and 2 of 2015

G.Subramanian

...Petitioner

-Vs-

1.The Agricultural Production
Commissioner and the
Secretary to Government,
Agriculture (Ve.nee.1) Department,
Fort St. George, Chennai - 600 009.

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

3.The Joint Director of Agriculture,
Thiruvalur, Thiruvallur District.

4.R.Madhu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Government Letter No.245/Ve.nee.1/2011-4 issued by the Agricultural Production Commissioner and the Secretary to the Government, Agriculture (Ve.nee.1) Department dated 13.02.2012, quash the same and direct the first respondent herein to notionally promote the petitioner to the post of Assistant Director of Agriculture and the consequential promotion of Deputy and Joint Director of Agriculture on par with his junior and with effect from the date on which the third respondent came to be promoted with all consequential service and attendant monetary benefits as has been ordered in the similar case vide W.P. (MD) No.1890 of 2010 dated 11.11.2014 within a short date that may be fixed by this Court.

For Petitioner : Mr.K.Rajkumar

For R1 to R3 : Mr.E.Veda Bagath Singha,
Special Government Pleader

For R4 : No Appearance



ORDER

The petitioner herein had joined the services of the second respondent as an Agricultural Officer on 29.11.1980. The avenue for further promotions are to the posts of Assistant Director of Agriculture, Deputy Director of Agriculture and Joint Director of Agriculture. The qualification prescribed for promotion to the post of Assistant Director is 2 years of service as Agricultural Development Officer and 1 year of farm service. The petitioner possesses 2 years of service as an Agricultural Development Officer. Insofar as the farm service is concerned, the petitioner was deputed for such a service on 19.05.1999, but the same was discontinued at the instance of the respondents on 30.11.1999, which is after about a period of 6 months. In this background, the petitioner's juniors, including the fourth respondent herein, came to be deputed for farm service, which they had successfully completed. Accordingly, by an order dated 24.12.2007, the fourth respondent, as well as the other Agricultural Officers, were promoted to the post of Assistant Director of Agriculture. After 4 days, the Government thought it fit to relax the condition of 1 year farm service and had thereby promoted 509 Agricultural Officers, including the petitioner herein, through G.O.Ms.No.548 Agriculture (AA-1) Department dated 28.12.2007.

2. In view of this, the petitioner is aggrieved against the promotion of his juniors to the post of Assistant Director of Agriculture, as well as the subsequent promotions to the post of Deputy Director of Agriculture and Joint Director of Agriculture. When the petitioner had sought for notional promotion on par with his juniors to the post of Assistant Director of Agriculture and for further promotions, the same came to be rejected by the first respondent, through his letter dated 13.02.2012.

3. It is not in dispute that the deputation of the petitioner for farm service was discontinued by the department themselves and the petitioner had no role in it. In identical circumstances, when one of the Agricultural Officers, who is similarly placed as that of the petitioner, was denied such promotion on the ground that he had not completed one year farm service, as required for promotion to the post of Assistant Director of Agriculture, this Court, in the case of S.Kanagaraj Vs The Agricultural Production Commissioner and Secretary to Government and others passed in W.P.(MD) No.1890 of 2010 dated 11.11.2014, had granted notional promotion to that Agricultural Officer, together with subsequent promotions, in the following manner:-

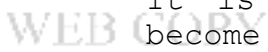
"7. The petitioner had been employed as
Agricultural Officer (Extension) from



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10.02.1984 onwards and as on the date of promotion effected during 2006-2007, he completed more than 3 years as Agricultural Officer (Extension), but the petitioner did not complete one year farm service as required vide G.O.Ms.No.272, dated 27.08.2002. Insofar as this aspect is concerned, the petitioner is not at fault for not having one year farm service, because the petitioner has been repeatedly making representations to the respondent/department for deputing him to the farm service and the department failed to consider the same and ultimately his juniors were promoted by overlooking his seniority. After the juniors were promoted vide G.O.Ms.No.537 dated 24.12.2007, within four days vide G.O.Ms.No.584 dated 28.12.2007 the qualification of one year farm service was regularized in respect of the petitioner and others and the petitioner was promoted as Assistant Director of Agriculture. The course so, adopted by the respondent/ department is in my considered view totally arbitrary and lacking in bonafide. The petitioner cannot be denied his promotion during appropriate time by reason of failure on the part of the respondent who is the competent authority to do so to depute him for one year farm service. For their failure to do so the claim of the petitioner that the petitioner became otherwise eligible for being considered to the promotional post of Assistant Director of Agriculture with effect from 24.12.2007, the date on which his juniors are promoted deserves acceptance and the petitioner having been promoted on 28.12.2007 his seniority may be re-fixed with effect from 24.12.2007 along with his juniors with consequential service and monetary benefits if any, including the further promotion to the post of Deputy Director of Agriculture according to his revised seniority.

8. In the result, the respondents are directed to effect promotion to the petitioner as Assistant Director of Agriculture with effect from 24.12.2007 along with his juniors and the seniority in the post of Assistant Director of Agriculture shall be suitably re-fixed with consequential service and monetary benefits if any, from the date of promotion.



It is stated that the aforesaid decision of this Court has become final and the respondents have also implemented the order.

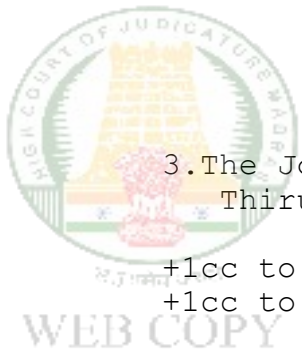
5. In the result, the the impugned letter dated 13.02.2012 is quashed. Consequently, there shall be a direction to the first respondent to notionally promote the petitioner to the post of Assistant Director of Agriculture, as well as the consequential promotions to the posts of Deputy Director of Agriculture and Joint Director of Agriculture, on par with his immediate junior, namely, the fourth respondent herein and consequently extend all the service and monetary benefits to the petitioner. The first respondent shall endeavour to pass such orders, atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS-VIII)

Sub Assistant Registrar

To:

- <https://hcservices.ecourts.gov.in/hcservices/>



3.The Joint Director of Agriculture,
Thiruvalur, Thiruvallur District.

+1cc to M/s.K.Rajkumar, Advocate, S.R.No.5962
+1cc to the Government Pleader, S.R.No.6463

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KSM(CO)
SB(14/02/2022)