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W.P.No.41993 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41993 of 2016
and W.M.P.No.35938 of 2016

P.Devarajan

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by Agricultural Production Commissioner
and Secretary to Government,
Secretariat, Chennai 600 009.

2.The Commissioner/Director of Agriculture,
Chepauk, Chennai – 600 005.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to order in Letter No.30127/AA1/2014-8, Agriculture (AA1) Department dated 29.07.2016 and to quash the same and to issue consequential directions to the respondents to include the name of the petitioner in the appropriate place in the panel for promotion to the post of Assistant Director of Agriculture for the Year 2007-08 approved in G.O.Ms.No.548, Agriculture (AA.1) Department dated 28.12.2007 and to promote the petitioner as such with retrospective effect from the date of promotion of the immediate junior therein with consequential benefits.



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For Petitioner : Mr.J.Ravi for
M/s.M.Ravi

For Respondents : No Appearance

ORDER

The order of rejection rejecting the claim of the writ petitioner for promotion to the post of Assistant Director of Agriculture for the year 2007-08 is under challenge in the present writ petition.

2.The petitioner states that he joined as Agricultural Officer on 09.02.1983 and completed the period of probation on 08.02.1985. The petitioner states that he is fully qualified for promotion to the post of Assistant Director of Agriculture. The petitioner states that the name of his junior was included in the panel for promotion to the post of Assistant Director of Agriculture and submitted a representation to consider his name which was not responded. The petitioner himself has stated in his own affidavit at Para 5 (ii) that he he had given option on 25.05.2009, relinquishing his right for promotion due to family circumstances and the said factum was entered in his Service Register at Page 5 – Volume-IV. While admitting the fact that the petitioner had relinquished his promotion permanently



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and necessary entries were made in the Service Register, he submitted the representation that his case is to be considered by cancelling the relinquishment.

There is no provision under the rules to cancel the permanent relinquishment already made. The Government through the impugned letter dated 29.07.2016, states that as per Rule 47 of the Tamil Nadu State and Subordinate Services Rules, when an employee has relinquished his promotion permanently, then he is not entitled for any further promotion in his entire service. In the event of considering the case of the writ petitioner, many such similarly placed persons will also claim promotion even after relinquishment and the same will result in illegality and bad precedent.

3.This Court is of the considered opinion that an employee is eligible to relinquish his promotion for a temporary period of three years or permanently. In the present case, the petitioner has relinquished his promotion permanently and that was duly accepted and recorded in his Service Register. That being the case, the claim of the writ petitioner for promotion to the post of Assistant Director of Agriculture was rightly rejected by the Government and there is no infirmity as such.



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S.M.SUBRAMANIAM, J.

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4. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes
Internet : Yes
Speaking order
ssr

To

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Rep. by Agricultural Production Commissioner
and Secretary to Government,
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2. The Commissioner/Director of Agriculture,
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