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W.P.No.17665 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17665 of 2020

and

W.M.P.No.21908 of 2020

K.Kannamani

... Petitioner

Vs.

1.The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
I Floor, Secretariat, Fort St. George,
Chennai – 600 009.

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

3.The Director of Seed Certification and Organic
Certification,
Thadagam Main Road, GCT Post
Coimbatore – 641 013.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd Respondent to promote the Petitioner to the post of Assistant Director of Agriculture (Extension) as per the Proceeding No.3480/2021-1, dated 04.06.2020 of the 2nd Respondent and post the Petitioner as Assistant Director of Agriculture



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(Extension).

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For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to promote the petitioner to the post of Assistant Director of Agriculture (Extension) as per the Proceedings No.3480/2021-1, dated 04.06.2020 of the 2nd respondent and post the petitioner as Assistant Director of Agriculture (Extension).

2. The case of the petitioner is that the petitioner was working as Seed Certification Officer under the control of Director of Seed Certification and Organic Certification at Coimbatore. The next avenue of promotion for the petitioner is Assistant Director of Agriculture (Extension) and she was temporarily promoted to the post of Assistant Director of Agriculture (Extension) for the year 2010-2011. The petitioner's name was selected as Assistant Director of Agriculture (Extension) and her name was found in Serial No.313 and the same has been published. Though the name of the



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petitioner was found in the list, but promotion was not granted during the year of 2010-2011.

3. Thereafter, no selection list for the post of Assistant Director of Agriculture (Extension) was published for the years 2011-2012, 2012-2013, 2013-2014, 2014-2015 and 2015-2016. For the above consecutive five years, no panel list was prepared for the post of Assistant Director of Agriculture (Extension). In the meantime, the 2nd respondent has framed charges under Rule 17(b) of the Tamil Nadu Civil Services (Control and Appeal) Rules, 1986 against the petitioner. In the said charges, the 2nd respondent has imposed the punishment of 'Censure' on 15.06.2018. Thereafter, the petitioner's name was not considered for promotion to the post of Assistant Director of Agriculture (Extension) and hence, she has filed the instant writ petition before this Court for the aforesaid prayer.

4. The learned counsel appearing for the petitioner submitted that the Appellate Authority has modified the punishment order awarding as 'Censure'. Therefore, the petitioner is entitled for promotion to the post of Assistant Director of Agriculture (Extension) for the year 2019-2020 and the



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same has been denied by the respondents, is illegal.

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5. The respondents have filed counter affidavit, wherein it has been stated that the petitioner was joined as Agricultural Officer on 28.06.1995 and her name was considered and included in the panel of Agricultural Officers fit for promotion to the post of Assistant Director of Agriculture (Extension) for the year 2010-2011 as per the Government Order in G.O.(Ms).No.22, Agriculture (AAI) Department, dated 27.01.2012. The Government has approved the names of 378 Agricultural Officers including the name of the petitioner by taking into account of the 'Actual Vacancies' for the post of Assistant Director of Agriculture (Extension) for the year 2010-2011 as 257 and also '5% Leave Reserve' Vacancies as 36. The petitioner's name was placed in the aforesaid seniority list in Serial No.313. But, the Agricultural Officers in the above said panel upto Serial No.221 were promoted as Assistant Director of Agriculture (Extension). Thereafter, no Agricultural Officers from Serial No.222 were promoted to the said post and the panel also lapsed. Therefore, her name was not considered for the year 2010-2011. The Government has approved 'Nil' panel for the post of Assistant Director of Agriculture (Extension) for the years 2011-2012, 2012-



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2013, 2013-2014, 2014-2015 and 2015-2016. For the year 2016-2017, 149 vacancies has been published by the Government in G.O.(Ms).No.221, Agriculture (AAI) Department, dated 05.09.2017.

6. At this stage, the 2nd respondent has framed charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rule as against the petitioner. As per Schedule-XI, Part-A, in Paragraph-II(11) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the name of the petitioner was considered for preparation of Panel of Agricultural Officers fit for promotion to the post of Assistant Director of Agriculture (Extension) for the years 2018-2019 (Crucial date 01.04.2018) and 2019-2020 (Crucial date 01.04.2019) and deferred the name of the petitioner due to the punishment of 'Censure' and stoppage of increment for the period of six months without cumulative effect.

7. According to the petitioner, her name was not included in the panel for promotion for the year 2019-2020. Before the actual promotion, the said punishment imposed against the petition was lapsed. Now, according to the learned counsel for the petitioner that she is eligible for promotion for the



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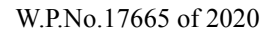
year 2020-2021. But her name was not considered by the respondents.

Therefore, he prays that an appropriate direction may be issued to the respondents to consider her request for promotion to the post of Assistant Director of Agriculture (Extension) for the year 2020-2021.

8. It has been stated in the counter affidavit filed by the respondents that for the year 2019-2020 wherein the petitioner's name was deferred due to currency of punishment imposed against her by awarding 'Censure'. Therefore, the petitioner has to make a fresh request to the authority concerned, the same would be considered for promotion, if otherwise eligible.

9. This Court is of the *prima facie* view that there is some force in the contention made by the learned counsel appearing for the petitioner, considering for granting promotion to the petitioner to the post of Assistant Director of Agriculture (Extension) for the year 2020-2021, if otherwise eligible.

10. In view of the aforesaid submissions of the parties and discussions, this Court is inclined to pass orders as follows:-



11. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR. J

dm

To

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and Principal Secretary to Government,
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