

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18643 of 2014

L.T.Palanisamy

... Petitioner

Vs

1. The Principal Secretary to
Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 9.

2. The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai - 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to promote the petitioner to the post of Assistant Director of Horticulture with effect from 02.01.2008 on par with his juniors in the light of G.O.(3D) No.222, Agriculture Department, dated 04.11.2013 issued by the first respondent with all attendant and consequential benefits.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to promote the petitioner to the post of Assistant Director of Horticulture with effect from 02.01.2008 on par with his juniors, in the light of G.O.(3D) No.222, Agriculture Department, dated 04.11.2013 issued by the first respondent.

2. The petitioner joined as Horticulture Officer on 04.02.1981. He was empanelled for promotion to the post of

Assistant Director of Horticulture in the order dated 02.01.2008 and he was promoted as Assistant Director of Horticulture, pursuant to the said order. However, the petitioner was reverted back to the post of Horticulture Officer, on the ground that departmental disciplinary proceedings were pending and he was promoted mistakenly.

3. The learned counsel for the petitioner made a submission that the departmental disciplinary proceedings were dropped after conducting an enquiry and thus, there was no impediment for grant of promotion, with reference to the order dated 02.01.2008. Yet another disciplinary proceedings in TDP.No.2 of 2013 initiated against the petitioner was also quashed by the Court.

4. The learned Government Advocate appearing on behalf of the respondents made a submission that the department has taken a decision to prefer an appeal. However, with reference to the order dated 02.01.2008, there was no impediment for grant of promotion to the petitioner to the post of Assistant Director of Horticulture.

5. In view of the fact that the disciplinary proceedings were dropped, the petitioner is entitled to be promoted on par with his juniors, however, after conducting enquiry. The petitioner reached the age of superannuation and he was allowed to retire from service. Therefore, the respondents are directed to grant notional promotion to the petitioner with effect from the date on which his immediate junior was promoted to the post of Assistant Director of Horticulture, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Principal Secretary to
Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 9.
2. The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai - 5.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.43635

+1cc to the Government Pleader, S.R.No.43967

W.P.No.18643 of 2014

JPL(CO)
UMA(26/07/2022)