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W.P.No.30275 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30275 of 2022

E. Rajan Ravichandran

.. Petitioner

Vs.

1.The Agricultural Production Commissioner and
Secretary to Government,
Agricultural Department,
Fort St. George, Chennai – 9.

2.The Director of Agriculture,
Chepauk, Chennai – 5.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider and pass an order on the petitioner's representations dated 10.04.2019 and 09.08.2019 with regard to the notional promotion for the post of Joint Director of Agriculture on par with his immediate Junior Mr.T. Sundarajan (TNPSC No.239/80) and the recommendation given by the Joint Director of Agriculture, Tirunelveli, in Letter No.Ni5/ 4303 /2019 dated 13.09.2019, by paying all the attendant benefits attached to the post with arrears of salary, refixing the pension and the pensionary benefits.



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For Petitioner : Mr.G. Sridevi

For Respondents : Mr.K. Tippu Sultan,
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representations dated 10.04.2019 and 09.08.2019, requesting them to notionally promote the petitioner on par with his immediate Junior - Mr.T. Sundarajan, based on the recommendation given by the Joint Director of Agriculture, Tirunelveli dated 13.09.2019, within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner. Mr.K. Tippu Sultan, learned Government Advocate, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has retired from service. Earlier, while he was in service, disciplinary proceedings were initiated against him. It is now



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contended by the petitioner that the charges framed against him in the said disciplinary proceedings have now been dropped. The petitioner was also allowed to retire from service. According to him, his junior Mr.T.Sundarajan was promoted. Even though the petitioner was entitled for the said promotion, only due to the fact that earlier disciplinary proceedings were pending, the petitioner was not promoted ahead of Mr.T. Sundarajan. In such circumstances, the petitioner has given representations on 10.04.2019 and 09.08.2019, requesting for notional promotion on par with his immediate junior - Mr.T. Sundarajan. According to the petitioner, the Joint Director of Agriculture, Tirunelveli, has also recommended the case of the petitioner to the second respondent. However, since the representations given by the petitioner have not been considered till date, the petitioner has filed this Writ Petition.

4. No prejudice will be caused to the respondents, if the petitioner is allowed to give a fresh representation seeking for notional promotion on par with his immediate junior - Mr.T. Sundarajan and a direction is issued to the respondents to consider the said representation on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents, requesting them to notionally promote him to the post of Joint Director of Agriculture on par with his immediate junior - Mr.T. Sundarajan, who was promoted to the post of Joint Director of Agriculture on 23.01.2014, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said representation, the respondents shall pass final orders on merits and in accordance with law, within a period of eight (8) weeks thereafter.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

15.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

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ABDUL QUDDHOSE,J.

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