



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No. 1767 of 2021

and

W.M.P. (MD) Nos. 1502, 1503 and 18583 of 2021

and

Cont. P. No. 395 of 2021

in

W.P. (MD) No. 1767 of 2021

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W.P. (MD) No. 1767 of 2021

J.Jeya Prabhakaran David

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Agriculture, Agricultural Engineering,
Agro Service Co-operatives, Horticuture,
Sugarcane Cess, Sugarcane Department,
Secretariat, Chennai - 600 009.

2. The Director of Agriculture,
State Nodal Officer (Extension Reforms),
Chepauk, Chennai - 600 005.

3. The Joint Director of Agriculture / Project Director,
(ATMA),
Kanyakumari, Kanyakumari District.

... Respondents

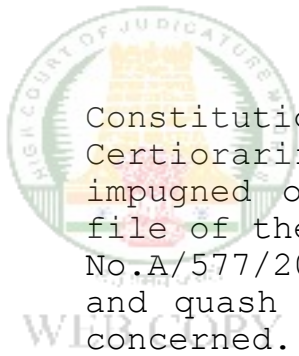
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter No.ATMA1/124947/2018 dated 24.09.2020 on the file of the second respondent and the consequential impugned order in No.A/577/2020 dated 29.09.2020 on the file of the third respondent and quash the same as illegal insofar as the petitioner is concerned.

Prayer in WMP(MD) . 1503/ 2021 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of interim stay of operation of the impugned order in Lr.No.ATMA1/124947/2018 dated 24.09.2020 on the file of the respondent No.2 and the consequential impugned order in No.A/577/2020 dated 29.09.2020 on the file of the respondent No.3 in so far as the petitioner is concerned pending disposal of the Writ Petition.

[https://hccs.judges.gov.in/cases/](https://hccs.judges.gov.in/cases/https://hccs.judges.gov.in/cases/) **Prayer in WP(MD). 1767/ 2021 :**

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Lr.No.ATMA1/124947/2018 dated 24.09.2020 on the file of the respondent No.2 and the consequential impugned order in No.A/577/2020 dated 29.09.2020 on the file of the respondent No.3 and quash the same as illegal in so far as the petitioner is concerned.

Cont. P. (MD) No. 395 of 2021

J.Jeya Prabhakaran David

... Petitioner

-Vs-

1. V.Dhakshinamoorthy,
The Director of Agriculture,
State Nodal Officer (Extension Reforms),
Chepauk,
Chennai - 600 005.

2. S.Sathiajose,
The Joint Director of Agriculture / Project Director,
(ATMA),
Kanyakumari,
Kanyakumai District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of contempt of Courts Act, 1971, to initiate the contempt proceedings against the contemnors / respondent Nos.2&3 and punish them for their wilful disobedience of the order of this Court made in W.P (MD) No. 1767 of 2021, dated 03.02.2021.

For Petitioner
(in both WP & Cont.P.)

: Mr.T.Lajapathi Roy

For Respondents
(in both WP & Cont.P.)

: Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.S.Saji Bino
Special Government Pleader

COMMON ORDER

The Writ Petition is filed as against the order of the second respondent, dated 24.09.2020, in and by which, the petitioner, who is working as Block Technology Manager in the Agricultural Department, was transferred on account of the mistake committed by some of the Assistant Technology Managers(ATMs) / Block Technology Managers (BTMs).

2. The Director of Agriculture in his letter dated 24.09.2020 stated that Joint Directors of Agriculture of all Districts are instructed to issue transfer orders to all the BTMs and ATMs from the present working block to atleast 2 blocks away within the District immediately and ensure that they join in new blocks by 01.10.2020 without fail. The Director of Agriculture has taken the



decision pursuant to the irregularity committed in PM Kisan Fund by some of the ATMs and BTMs.

3. Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner submits that the petitioner is working on contractual basis, and that too, for a meagre salary. For the mistake committed by some of ATMs and BTMs, the decision has been taken to transfer all the persons from the existing block to various other blocks. It is his further contention that the Principal Bench of this Court has also entertained the similar Writ Petition in W.P.No.13881 of 2020 filed by the similarly placed person and granted an interim order of stay on 30.09.2020. Based on the interim order, this Court has granted an interim stay to the petitioner on 03.02.2021, but the same has not been complied with by the respondents.

4. The learned Additional Advocate General appearing for the respondents submits that large scale of irregularities has been committed in the PM Kisan fund to an extent of 100 crores and therefore, it was also noted down that these BTMs and ATMs, who are all allowed to continue in the same place in the District are responsible for the same. Therefore, on administrative ground, these persons, who are all working for long years in the same blocks, have been transferred to the adjacent block. Nearly more than 900 such ATMs and BTMs have been transferred and except 33, others have joined in the new station. The petitioner has obtained interim order of stay on 03.02.2021, based on the orders passed by the Principal Bench of this Court on 30.09.2020. According to the learned Additional Advocate General, the petitioner could not be accommodate in the original post from where he has been transferred.

5. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6. Admittedly, the petitioner is accommodated on contractual basis in the Agriculture Department. Certain irregularities have been deducted by the respondents to the tune of Rs.100 Crores in PM Kisan Scheme. The Department has found that the continuation of ATMs and BTMs in the same place is also one of the reason for these irregularities. Therefore, on administrative ground, all the ATMs and BTMs have been transferred to adjacent Blocks. Accordingly, the petitioner is also posted to an adjacent block.

7. Therefore, this Court is not inclined to interfere with the order passed by the second respondent. The petitioner has approached this Court as against the order of transfer and obtained an order of interim stay. However, the order was not effected, that another person has joined in the place of the petitioner, this Court is not passing any further orders in the Contempt Petition. Since the petitioner was granted an order of interim stay dated 03.02.2021, the respondents shall pay the salary to the petitioner for the relevant period. The petitioner shall report for duty before the respondents in a week from the date of receipt of a copy of this order and the respondents shall accommodate the petitioner.



8. In view of the above discussions, the Writ Petition as well as Contempt Petition are closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Principal Secretary to Government,
Agriculture, Agricultural Engineering,
Agro Service Co-operatives, Horticulture,
Sugarcane Cess, Sugarcane Department,
Secretariat, Chennai - 600 009.
2. The Director of Agriculture,
State Nodal Officer (Extension Reforms),
Chepauk, Chennai - 600 005.
3. The Joint Director of Agriculture / Project Director,
(ATMA), Kanyakumari, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-1918[F] dated 20/01/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-1985[F] dated 21/01/2022)

**W.P. (MD) No. 1767 of 2021
and**

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RK(31/03/2022) 4P 6C