



WP No.4171 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

**WP No.4171 of 2020**

Vengadapady

... Petitioners

versus

1.Mr.Mihir Vardhan

The Secretary to Government,  
Agriculture Department,  
Chief Secretariat,  
Puducherry.

2.Mr.A.Ramamurthi

3.Mr.Sekar

4.The Registrar,  
The Central Administrative Tribunal,  
Chennai.

5.The Under Secretary,  
Government of India,  
Ministry of Home Affairs,  
New Delhi -110001.

6.The Secretary,  
Department of Personnel and Training,



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North Block,  
Central Secretariat,  
New Delhi-110001.

(R5 and R6 suo-motu impleaded as  
per order dated 24.02.2020 made  
in WP No.4171/2020 by MSNJ and RHJ) ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent relating to the impugned order of the fourth respondent dated 22.11.2018 in CP/310/00109/2017 in OA/310/01285/2012 and quash the same and consequently allow the contempt petition in CP/310/00109/2017 in OA/310/01285/2012 dated 22.11.2018.

For the Petitioner :Mr.T.Saikrishnan

For the Respondents :Mr.R.Syed Mustafa  
Special Government Pleader (Pondicherry)  
for respondents 1 to 3  
Mr.Rajesh Vivekanandan  
for respondents 5 and 6  
fourth respondent-Tribunal

## **ORDER**



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(Order of the Court was made by *D.KRISHNAKUMAR, J.*)  
Challenging the order passed by the Tribunal in CP/310/00109/2017

in OA/310/01285/2012 dated 22.11.2018, the petitioner has filed the present writ petition.

2. Learned Special Government Pleader appearing for the respondents 1 to 3 has placed before this Court an order passed by the Under Secretary to Government (Agriculture), dated 24.03.2020, wherein it is stated as follows:

*In compliance to the order of the Tribunal, the case of the applicant was taken up by the Directorate of Agriculture, Puducherry with the Department of Personnel and Administrative Reforms (Personnel Wing) so as to take a policy decision in the said matter by the Government.*

.....

.....

.....*The Department of Personnel and Administrative Reforms (Personnel Wing), Government of Puducherry has issued clarification vide I.D.Note/Memorandum No.A.12028/1/2015/DPAR/CCD(2) dated 06.03.2020 stating that the Ministry of Home Affairs, Government of India, New Delhi vide their letter No.U.13034/2016-CPD(PUDU) dated 21.12.2017 has communicated the clarification given by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India which is reproduced hereunder:-*

*MSPs are allowed age relaxation*



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*upto 5 years and 10 years for SC/ST. It is also observed from the instructions that MSPs belonging to OBS category have not been given any further relaxation in these instructions. Further, under these instructions, there is no provision of cumulative age relaxation to MSPs who are also Government servants for considering their candidature for direct recruitment to Central Government jobs. Age relaxation in such cases shall be admissible either as a MSP or as a Central Government Employee whichever is more beneficial to him/her. Further, age relaxation for MSP is available only for appointment under the sports quota.'*

*Therefore, the applicant is informed that age relaxation for MSP is available only for appointment under the sports quota. A copy of the I.D.Note/Memorandum*

*No.A.12028/1/2015/DPAR/CCD(2) dated 06.03.2020 issued by the Department of Personnel and Administrative Reforms(PW) is enclosed. In view of the above, the stand already taken by the Department is confirmed.*

3. Learned counsel for the petitioner seeks liberty to challenge the policy decision taken by the Department.



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4. In view of above order dated 24.03.2020, nothing survives for further adjudication in the present writ petition. Consequently, the writ petition is dismissed as infructuous with liberty to the petitioner, if so aggrieved, it is for him to challenge the policy decision taken by the Department. There will be no order as to costs.

[D.K.K., J.] [P.D.B., J.]  
18.12.2023

Index : Yes/No  
Neutral Citation : Yes/No  
mrn

D.KRISHNAKUMAR, J.  
and  
P. DHANABAL, J.

(mrn)



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