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WP.No.12661 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 12661 of 2013

P.Meenakshisundaram

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Petitioner

Vs

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Agriculture Department,
Secretariat, Chennai – 9.

2. Commissioner of Agriculture,
Chepauk, Chennai – 5.

3. Joint Director of Agriculture,
Erode, Erode District.

4. Assistant Director of Agriculture,
Bhavani, Erode District.

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Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 3rd respondent in his Proceedings O.Mu/A1/4362/2012 dated 08.05.2012 and quash the same and direct the respondents to award Selection Grade to the petitioner in the promotional



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post of Deputy Agricultural Officer fixing the scale of pay from the date of promotion on par with others by getting necessary relaxation in respect of test qualification from the Government and confer all the consequential benefits including pensionary benefits.

For Petitioner : Mr.B.Balavijon
for M/s.C.S.Associates

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed as against the order dated 08.05.2012 in Proceedings O.Mu/A1/4362/2012 passed by the third respondent, thereby rejected the request made by the petitioner to award Selection Grade to the petitioner in the promotional post of Deputy Agricultural Officer.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner was appointed as Field Assistant on 10.07.1959.



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Thereafter, he was promoted as Composed Development Inspector (now re-designated as Assistant Seed Officer) on 13.01.1966. He was awarded Selection Grade from 01.10.1978 in the cadre of Composed Development Inspector. Thereafter, he was promoted as Deputy Agricultural Officer on 21.10.1982 on condition the he should acquire the qualifications such as (i) Account Test for Subordinate Officers Part I (ii) District Office Manual and (iii) Agricultural Departmental Test. Though the petitioner completed the other qualifications, he failed to complete the Agricultural Departmental Test. Therefore he was reverted as Composed Development Inspector (Selection Grade) on 25.02.1988. Thereafter, the petitioner made a request to award Selection Grade in the promotional post of Deputy Agricultural Officer referring to the Government Order in G.O.Ms.No.210, Personnel and Administrative Reforms Department, dated 01.03.1987. In the meanwhile, the petitioner attained superannuation on 30.04.1996. Again the petitioner made a representation on 10.07.1998 requesting to give Selection Grade in the promotion post and consequential revision in pension. The said claim was also rejected by an order dated 15.10.1998 on the ground that the petitioner did not continuously work in the cadre of Deputy Agricultural



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Officer. Again, the petitioner made a representation before the third respondent on the ground that his juniors were given the same benefit and also referring G.O.Ms.No.162, Finance Department, dated 13.04.1998. The said request was also rejected. Hence, the present writ petition.

4. A perusal of the counter filed by the respondents revealed that the petitioner failed to pass Agricultural Department Test. Therefore, he was reverted to the post of Composed Development Inspector (Selection Grade) on 25.02.1988. In the meanwhile, the officer who had passed the above test after the stipulation of the time limit of five years, for whom the rule was relaxed, and the service in Deputy Agricultural Officer was regularized. However, the petitioner did not pass the above test not only within the time limit but also afterwards. As per G.O.Ms.No.1120, Personnel and Administrative Reforms Department, dated 30.10.1984, if an employee who has completed 53 years of age and appeared five times in the above test their case may be relaxed.

5. Whereas, in the case of the petitioner there is no record for



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appearing the above tests five times. Later the Government Order amending the age as 53 years instead of 50 years came to be issued. The petitioner was re-promoted on 08.02.1990, by an order dated 13.11.1989 on condition that the petitioner shall pass the tests, viz., (i) Account Test for Subordinate Officers Part I (ii) District Office Manual (iii) Agricultural Department Test, within a period of two years from the date of his appointment.

6. Sub Rule 9(a)(b) was substituted viz., a Deputy Agricultural Officer, who does not pass the test within a period of two years from the date of his appointment, shall not be allowed to draw his second and subsequent increments until he passed the above tests. Therefore, the petitioner was rightly reverted and his request for Selection Grade was rightly rejected by the third respondent. This Court finds no infirmity or illegality in the order dated 08.05.2012 in Proceedings O.Mu/A1/4362/2012 passed by the third respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed. There shall



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be no order as to costs.

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Index: Yes/No
Internet: Yes/No
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To

1. The Secretary to Government,
Agriculture Department,
Secretariat, Chennai – 9.
2. Commissioner of Agriculture,
Chepauk, Chennai – 5.
3. Joint Director of Agriculture,
Erode, Erode District.
4. Assistant Director of Agriculture,
Bhavani, Erode District.

G.K.ILANTHIRAIYAN,J.



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