



WEB COPY



WP.No.12717 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

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

W.P. No.12717 of 2013
and
M.P.No.2 of 2013 & 1 of 2014

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Petitioner

Vs

1. The Chief Engineer (Agricultural Engineering),
Nandanam,
Chennai – 600 035.

2. The Superintending Engineer,
(Agricultural Engineering),
Velur Region,
Velur District.

3. The Executing Engineer,
(Agricultural Engineering),
Collectorate Building,
Thiruvannamalai District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records on the file of the first respondent in his proceedings Se.Mu.No.Ma.Pa 2/53050/2012 dated 18.02.2013 and quash the same.

For Petitioner	:	Mr.S.Selva Thirumurugan
For Respondents	:	Mr.M.P.Murugan Raja Government Advocate



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ORDER

This Writ Petition has been filed challenging the proceedings dated 18.02.2013 in Se.Mu.No.Ma.Pa 2/53050/2012 passed by the first respondent, thereby reverted the petitioner to the lower post for not passing the departmental examination.

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

3. The petitioner was initially appointed as Assistant Soil Conservation Officer on 10.09.1984. He had qualified Diploma in Civil Engineering. His service was regularised with effect from 1984. Earlier for promotion to the post of Junior Engineer, the only feeder category was Foreman. Thereafter, the post of Assistant Soil Conservation Officer was introduced in the Agricultural Engineering Department in the year 1981 and included the post of Assistant Soil Conservation Officers as one of the feeder categories for promotion to the post of Junior Engineer by amending the Tamil Nadu Agricultural Subordinate Service Rules with prospective effect as per G.O.Ms.No.533 dated 14.12.2004.



Thereafter, in the year 2007, the Government of Tamil Nadu issued

G.O.Ms.No.479, Agriculture (AA.3) Department dated 16.11.2007

directing that 399 Assistant Soil Conservation Officers who had acquired the qualification of Diploma in Engineering at the time of their initial appointment and completed more than 20 years of service be upgraded as Junior Engineer (Agricultural Engineering) as one time benefit. Accordingly, the petitioner was promoted to the post of Junior Engineer on the following conditions :

- (i) PWD Accounts Test for PWD Officers and Subordinates – Part-I
- (ii) PWD Accounts Test for PWD Officers and Subordinates – Part-II
- (iii) Agricultural Departmental Test for Technical Officers
- (iv) District Office Manual Test.

4. Though the petitioner had completed the other examinations, he failed to complete the PWD Accounts Test for PWD Officers and Subordinates – Part-II and Agricultural Department Test for Technical Officers. As per the condition, within a period of five years from the date of promotion, the petitioner should have completed the above mentioned tests. The petitioner failed to complete the above



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mentioned test. Therefore, he was issued show cause notice. On receipt of the same, the petitioner has also replied. After considering his reply, the first respondent passed an order of reversion, thereby reverted the petitioner from the post of Junior Engineer to the post of Assistant Soil Conservation Officer. Though the petitioner raised a ground that he was not given an opportunity, even according to him, he received show cause notice from the first respondent dated 12.11.2012 and the same was duly received by the petitioner on 26.12.2012.

5. Even today, the petitioner did not complete the departmental test as required under Government Order dated 16.11.2007 passed in G.O.Ms.No.479, Agriculture (AA3) Department. As per G.O.Ms.No.1760, Agriculture Department, dated 10.06.1970, after promotion to the post of Junior Engineer (Agricultural Engineering) as per the Special Rules which governs the post of Junior Engineer (Agricultural Engineering), the individual has to pass the prescribed tests. If he failed to pass the prescribed tests within the stipulated time, as per the Rule 9(a) (ii) of Special Rules, reversion has to be made. As per G.O.Ms.no.533, Agricultural Department, dated 14.12.2004 is just an amendment to Special Rules, wherein some new categories were brought



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in as feeder categories for promotion to the post of Junior Engineer (Agricultural Engineering) and not relevant to that of the petitioner's case. Therefore, the first respondent rightly passed the order of reversion.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Thus the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

17.07.2023

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Index: Yes/No
Internet: Yes/No

G.K.ILANTHIRAIYAN,J.



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