



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.32826 of 2016

Tamil Nadu Assistant Agricultural Officers Association,
Government Recognition No.3537/56
No.9, Thanikachalam Street,
Triplicane,
Chennai – 600 005.
Rep. by its State President,
S.Esakki Muthu,

.. Petitioner

Vs.

1.The State of Tamilnadu
Rep. by its Principal Secretary to Government,
Agricultural Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner of Agriculture,
Chepauk,
Chennai – 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders for revising the seniority list for the post of Assistant Agriculture Officer issued as per the proceedings of 2nd respondent in Ka.Pa.Ne.2/78748/2016 based on the objection submitted by the petitioner



dated 13.06.2016 and consequently arrive the seniority in the post of Assistant Agriculture Officer by taking into consideration of actual date of joining the post of Assistant Agriculture Officer.

For Petitioner .. Mr. G. Sankaran

For Respondents .. Mr. T. K. Saravanan, Govt. Advocate.

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents to pass orders revising the seniority list for the post of Assistant Agriculture Officer issued as per the proceedings of 2nd respondent in Ka.Pa.Ne.2/78748/2016 based on the objection submitted by the petitioner dated 13.06.2016 and consequently, to arrive the seniority in the post of Assistant Agriculture Officer by taking into consideration the actual date of joining the post of Assistant Agriculture Officer.

2.It is stated that about 800 employees were selected along with the petitioner as Seed Officers in the Agriculture Department. Thereafter, the issue of seniority arose. A learned Single Judge of this Court had answered that issue in favour of the petitioners therein. The respondents had filed a



writ appeal and the writ appeal was allowed. There was actually a batch of writ appeals, wherein those who were affected by the order of the learned Single Judge also preferred writ appeals. The matter finally landed before the Hon'ble Supreme Court and it is contended that final orders have been passed dismissing the Special Leave Petitions preferred by those who were granted orders by the learned Single Judge. In effect, it had been held that seniority by roster should not be granted and there should be norms for fixing seniority. A Mandamus therefore would not lie in the teeth of the judgment of the Hon'ble Supreme Court.

3.The petitioner had given a representation on 13.06.2016 seeking consideration in accordance with the proceedings of the 2nd respondent in Ka.Pa.Ne.2/78748/2016 dated 22.07.2016. But, however, since the issue had been settled by the Hon'ble Supreme Court, it is only appropriate that the respondents should follow the directions of the Hon'ble Supreme Court, whenever the issue of seniority arises, particularly, even in the case of Seed Officers for which post the petitioner was initially appointed.



4.Once there has been a judicial pronouncement giving finality to the entire issues, the petitioner and the respondents are bound by that particular decision of the Hon'ble Supreme Court. Therefore, a Mandamus would not lie calling upon the respondents to re-examine the representation given by the petitioner. I would rather issue a direction to the respondents to follow the directions of the Hon'ble Supreme Court.

5.Recording as above, this Writ Petition stands disposed of. No costs.

18.07.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
smv



To

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1. The Principal Secretary to Government,
Agricultural Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai – 600 005.



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C.V.KARTHIKEYAN,J.

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