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W.P.No.7266 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/12/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Writ Petition No.7266 of 2016

a n d

W.M.P.No.6474 of 2016

Tamil Nadu Assistant Agricultural Officer's Association
rep. By its State President
Mr.S.Esakkimuthu
9 Thanikachalam Street
Triplicane
Chennai 600 005. ... Petitioner

Vs

1. The Principal Secretary to Government
Agriculture Department
Fort St. George
Chennai 600 009.
2. The Director of Agriculture
Chepauk
Chennai 5.
3. The Director of Horticulture
Chepauk
Chennai 5. ... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India

for the issuance of a writ of mandamus to direct the respondents to allow the members of the petitioner Association to exercise their respective options to choose the Department of Agriculture or Horticulture and further direct the respondents to grant promotions to the post of Deputy Agriculture Officers in the Horticulture Department after getting the options from the members of the petitioner Association or in the alternate direct the respondents to grant promotions to the post of Deputy Agricultural Officer based on the combined seniority list maintained by the Department of Agriculture as one time measure.

For petitioner ... Mr.R.Prem Narayan

For respondents ... Ms.M.Jayanthi
Additional Government Pleader

ORDER

This writ petition is filed to issue a mandamus, directing the respondents to allow the members of the petitioner Association to exercise their respective options to choose the Department of Agriculture or Horticulture and further direct the respondents to grant promotions to



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the post of Deputy Agriculture Officers in the Horticulture Department after getting the options from the members of the petitioner Association or in the alternate direct the respondents to grant promotions to the post of Deputy Agricultural Officer based on the combined seniority list maintained by the Department of Agriculture as one time measure.

2. The facts in brief as per the affidavit are that the petitioner Association is recognised as per G.O.Ms.No.3537/1956 dated 18/10/1956 and the members of the petitioner Association have been working in the categories of Assistant Agricultural Officers and Deputy Agricultural Officers in the respondent Department. Government has issued G.O.Ms.No.537, Agriculture (AA 8) Department, dated 24/12/2007 restructuring the entire Department through bifurcating Agriculture, Horticulture and Agricultural Marketing. As per the said G.O., Officers were allotted 123 posts of Deputy Agricultural Officers were allocated to Horticulture Department. These posts were filled by the Director of Agriculture in a phased manner and now about 62 posts are vacant.



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3. As per the orders in W.P.Nos.19901, 25894 and 29016 of 2008, it is directed that deployed staff of Horticulture Department shall exercise their option within one month after expiry of five years period, as contemplated in para 12 of G.O.Ms.No.537 as to whether they want to remain in the deployed Department or to go back to their parent Department and based on their options, necessary orders shall be passed by the competent authority. The petitioner Association submitted representations stating that the persons having qualification of Diploma in Horticulture and working in the Agricultural Department shall be allowed to work in the Horticulture Department. If the options are not given to the Senior Officers, junior most employees will be promoted as Deputy Agricultural Officers over and above the seniors who have been working more than two decades and the said situation will demoralise the morale of the employees.

4. The petitioner has filed W.P.No.1967 of 2014 which was disposed of on 27/1/2014 basing on which third respondent has passed an order dated 9/9/2014, wherein the Government by way of letter dated 5/11/2014 has stated that Committee has been constituted to resolve the issues in respect of restructuring and Committee report is still awaited.



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5. When the matter is taken up for hearing, a Position Note dated 1/3/2016 has been filed before this Court by the respondents stating that as per G.O.Ms.No.537 dated 24/12/2007 restructuring of the Agricultural Department was ordered, wherein the posts were distributed among three Departments. The said restructure was challenged by way of number of writ petitions and in some writ petitions, elaborate orders have been passed by this Court on 19/12/2012 and some of the writ petitions were clubbed and dismissed. The Government has formed a Restructure Review Committee vide, G.O.Ms.No.1 Agriculture (AAI) Department, dated 4/1/2013 to resolve the issues in implementation of G.O.Ms.No.537, Agriculture (AA8) dated 24/12/2007. The Government has issued final orders vide Reference (Ms) No.172, Agriculture (AAI) Department, dated 18/8/2015 on Restructure Review Committee.

6. In G.O.Ms.No.537 it is mentioned that deployed post has been permanently transferred to Horticulture Department on expiry of five years period, i.e., on 23/12/2012. Subsequently, many writ petitions have been filed challenging the policy decision of the Department. Consequent to the restructure of the Departments, personnel of



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Agriculture Department have availed all the promotional avenues to the posts of Assistant Director of Agriculture/Deputy Director of Agriculture/Joint Director of Agriculture & Additional Director of Agriculture in their parent Department.

7. Finally, it is stated in the Position Note that Service Rules to Horticulture Department has been issued vide G.O.(Ms) No.272 dated 27/11/2015. Hence, there cannot be any consideration of including the personnel from Agriculture Department into Horticulture Department at this stage, as the matter has already decided by the High Court.

8. As already observed, the Government has constituted a Committee to resolve the issues in restructure process and the report is still awaited. The Position Note has not clearly mentioned as to whether the Committee which is allegedly constituted to resolve the issues in respect of restructuring has filed any report, etc., though the Position Note speaks that issue with regard to restructuring has already been taken finality.



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9. In any case, the petitioner has been seeking mandamus in this writ petition, directing the respondents to permit the petitioner to exercise their option in respect of choosing the Departments. This Court at this stage, inclined to issue certain directions enabling the petitioner to submit a fresh representation, so that the Departments can take appropriate action basing on the prevailing situation.

10. Accordingly, this writ petition is disposed of, directing the petitioner Association to submit a fresh representation to the concerned authorities in respect of exercising the option, within a period of four weeks, from the date of receipt of a copy of this order and thereafter, the respondents are directed to consider and dispose of the same, basing on the prevailing situation in respect of the options among three Departments, as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petition is closed.

18/12/2023

mvs.

Index: Yes/No

Neutral Citation: Yes/No



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Dr.D.NAGARJUN,J

mvs.

To

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