



W.P.(MD).No.16263 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16263 of 2023

T.Krishnakumar

... Petitioner

Vs.

The Director of Agriculture,
The Department of Agriculture,
Chepauk,
Chennai-600 005.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to give promotion to the petitioner as per the Service Rules at par with B.Sc., Agri candidates and give all monetary benefits based on the communication of the respondent in Lr.No.AOS1/106451/2020, dated 30.09.2022 by considering his representations, dated 10.04.2023 and 20.05.2023.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.N.Muthuvijayan
Special Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondent to give promotion to the petitioner as per the Service Rules at par with B.Sc., Agri candidates and give all monetary benefits based on the communication of the respondent in Lr.No.AOS1/106451/2020, dated 30.09.2022 by considering his representations, dated 10.04.2023 and 20.05.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was selected as Assistant Agricultural Officer by the Tamil Nadu Agricultural Extension Subordinate Service for the year 2011-2012 by the Tamil Nadu Public Service Commission. Thereafter, he was appointed as Assistant Agricultural Officer at Namakkal Head Office, Namakkal District on 26.02.2016. The petitioner worked as Assistant Agricultural Officer at Namakkal from 26.02.2016 to 02.07.2017. Subsequently, he was transferred to Marurpatti Head Office, Namakkal District from 03.07.2017 to 20.09.2018.



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Thereafter, he was transferred to Thottiyam Block, Murungai, Trichy District, wherein he served from 04.01.2019 to 09.10.2019. From where he was transferred to Kannanur, in which station he worked till 11.10.2021.

4. Under such circumstances, due to health issues and family problem, he absented himself from his work from 21.09.2018 to 03.01.2019 for 105 days. Subsequently, he was transferred to Kannanur, Thuraiyur Block by order dated 27.09.2021. The petitioner had sent repeated representation to recall the transfer and for other reliefs. Thereafter, the petitioner filed writ petition in W.P(MD)No.8137 of 2022 challenging the transfer. However, the said writ petition was dismissed with giving liberty to the petitioner to approach the authorities for his reliefs. In view of the same, the petitioner made further representation. On which, the respondent passed orders on 25.04.2022 by recalling the earlier transfer order and gave post within Trichy District in a Non Sensitive Post. Accordingly, the Joint Director of Agriculture, Trichy on 11.05.2022 posted the petitioner in Serukudi Head Quarters, Thathaiengarpettai. The petitioner joined office on 11.05.2022 and is continuing in the said post. The petitioner is having OGPA of 8.1%. However,



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no increment and promotion was given to him and also he was given with a lesser mark and according to the petitioner, that amounts to discrimination.

5. While so, the petitioner made representation to the respondents requesting to give promotion, that was not considered. Further, several representations were given on 27.09.2021, 22.11.2021 and 09.04.2022 and that was also not considered. Finally a detailed representation, dated 14.05.2022 was sent to the respondent requesting the respondent to give promotion to him as per the Service Rules at par with B.Sc., Agri candidates and give all monetary benefits. Due to the inaction, the petitioner further filed writ petition in W.P(MD)No.12171 of 2022 wherein this Court on 17.06.2022 passed the following order:-

“4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 14.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.”



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6. By the strength of the order, since the petitioner's representation was not considered, thereafter a contempt petition in Cont.P(MD)No.1384 of 2022 was filed by the petitioner. At the time of hearing, on 09.12.2022, the respondent submitted their communication, dated 30.09.2022, stating that the preparation of the panel for recruitment by transfer for the post of Agricultural Officer (Extension) for the year 2020-2021 is under process and the names of several person in the Tamil Nadu Agricultural Extension Subordinate Service including the petitioner is under consideration of this Directorate in terms of the provision of Section 7 and Section 41(2) of the Tamil Nadu Government Servants (Condition and Service) Act, 2016 and the Tamil Nadu Agricultural Extension Service Rules and the said panel will be ordered accordingly. On that basis, the said contempt petition was closed. Even after the closure of the said contempt petition and even after the passage of nearly seven months, the assurance was not complied with. Hence, this writ petition came to be filed.

7. Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondent and carefully perused the materials available on record.



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8. The learned Special Government Pleader vehemently submitted that already an assurance has been given to the petitioner that, his promotion will be considered in accordance with law in terms of the Tamil Nadu Government Servants (Condition of Service) Act, 2016 and that exercise could be done only year after the year whenever the panel for promotion is being finalised. It will be done in that way and only a period of seven months have elapsed after the passage of the order in the contempt petition and it will take it's own time to duly consider the petitioner's representations, dated 10.04.2023 and 20.05.2023, at least one more year.

9. Recording the assurance given by the learned Special Government Pleader, this Court is inclined to close this writ petition by giving liberty to the petitioner to knock the doors of this Court, if it is not done after a period of one year.

10. With the above said observation, this writ petition stands closed.
There shall be no order as to costs.

06.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

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