



W.P.(MD)No.4858 of2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4858 of2023
and
W.M.P(MD)No.4858 of 2023

G.G.Vaijayanthi

... Petitioner

Vs.

1.The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk,
Chennai – 600005.

2.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Madurai – 625002.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in A.Pa.Pil/114698/2016,dated 25.01.2018 on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to consider the petitioner for promotion to the post of Administrative Office by advancing the petitioner's previous promotion to the post of Superintendent within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.Mrs.K.Christy Theboral,
Additional Government Pleader



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ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent in A.Pa.Pil/114698/2016, dated 25.01.2018 and consequently, to direct the respondents to consider the petitioner for promotion to the post of Administrative Office by advancing the petitioner's previous promotion to the post of Superintendent within a stipulated period.

2. The case of the petitioner is that the petitioner was appointed as Steno Typist on 07.04.1982 and she was declared to have completed the probation on 24.06.1984. Further, she was regularized in the post of Steno Typist on 25.06.1984. Thereafter, the petitioner was given promotion to the post of Steno Typist Grade II on 11.08.1987. The further case of the petitioner is that the post of Steno Typist and the post of Junior Assistant are equal/feeder category posts for promotion to the post of Assistant. The grievance of the petitioner is that the Junior Assistants, who were appointed after the petitioner were given promotion to the post of Superintendent in the year 2007-2008. However, the petitioner was not considered for promotion. Subsequently, the petitioner was given promotion to the Post of Superintendent only on 18.07.2012. In this regard, the petitioner has made several representations to the respondents and finally on 24.05.2017. For which, the first respondent sent a communication to



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the second respondent raising certain queries regarding the claim of the petitioner for advancement of her promotion. Subsequently, the petitioner gave a detailed explanation, dated 14.06.2017 explaining as to how she became a victim of delayed promotion. However, the second respondent passed the impugned order rejecting the claim of the petitioner. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the post of Junior Assistant and Steno Typist are equal and feeder category posts for promotion to the post of Assistant. The persons who joined along with the petitioners were given promotion as Superintendent in the year 20017. However, the petitioner was given promotion as Superintendent only in the year 2012, which is contrary to the Rules and accordingly, prays for allowing of this writ petition.

4. The learned Additional Government Pleader appearing for the respondents would submit that the Additional Director of Agriculture(Personnel Management), being the appointing authority for the post of the Superintendent, prepared panel for the post of Superintendent for the year 2011, following the statutory Rules and based on which, the petitioner was promoted



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to the Post of Superintendent. The petitioner was promoted to the post of Superintendent from the post of Steno-typist Grade-II as per Rule 5-c of the Tamil Nadu Ministerial Service Rules during the year 2011. However, the petitioner is comparing herself with the persons promoted to the post of Superintendent during the years 2007 and 2008 from the post of Assistant as per Rule 5-a of the Tamil Nadu Ministerial Service Rules. Two unequal sets cannot be intermingled or equated with one another and therefore, the claim made by the petitioner has been rightly rejected by the second respondent vide the impugned order, which does not warrant interference by this Court and prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner joined the services as Steno Typist in the year 1982 and further, promoted as Steno Typist Grade II in the year 1987 and thereafter, promoted as Superintendent in the year 2012 as per the seniority. However, the petitioner is claiming promotion on par with the Junior Assistants who were appointed along with the petitioner. It is clear that the statutory Rules for promoting the persons from the post of Steno Typist Grade II and



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Steno Typist Grade I to the post of Superintendent is ultimately different from promoting the persons from the post of Junior Assistant to the post of Assistant and finally to the post of Superintendent and therefore, the petitioner's claim cannot be granted.

7. Therefore, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

10.02.2023

PM

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

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M.DHANDAPANI, J.

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