



W.P.(MD)No.9532 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9532 of 2018

N.Rasakumar

... Petitioner

Vs.

1.The Agriculture Production Commissioner and
Principal Secretary to the Government,
Agriculture Department,
Fort St.George, Chennai-600 009.

2.The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai-600 005.

3.K.Revathi

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to provide notional promotion to the petitioner as Deputy Director of Horticulture from the date of G.O.Ms.No.51, Agricultural (AAI) Department dated 28.02.2018 with all monetary benefits within a reasonable time fixed by this Court.

1/7



W.P.(MD)No.9532 of 2018

*(Prayer is amended vide order dated 27.02.2023 made in
W.M.P(MD).No.17250 of 2018 in W.P(MD).No.9532 of 2018)*

For Petitioner : Mr.E.V.N.Siva
For Respondents : Ms.K.Christy Theboral
Additional Government Pleader
for R1 and R2

ORDER

This Writ Petition has been filed for a direction to the respondents 1 and 2 herein to provide notional promotion to the petitioner as Deputy Director of Horticulture from the date of G.O.Ms.No.51, Agricultural (AAI) Department dated 28.02.2018 with all monetary benefits within a reasonable time fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant Director of Horticulture at Sathankulam, Thoothukudi District. Initially, he was appointed as Agricultural Officer on 18.11.1982 in the Tamil Nadu Public Service Commission Seniority as 230/82-84. Later, he was deployed from the



W.P.(MD)No.9532 of 2018

WEB COPY

Agriculture Department along with the post to Horticulture Department and posted as Assistant Director of Horticulture from 21.01.2008. While so, with the approval of the State Government, State-wide seniority list among the Assistant Director of Horticulture and deployed Assistant Director of Agriculture (now working as Assistant Director of Horticulture) was published by the second respondent herein vide the proceedings dated 19.02.2018, wherein the petitioner was placed in Serial No.65 and the third respondent was placed in Serial No.101. In pursuance of the same, the State Government vide G.O.Ms.No.51, Agricultural (AAI) Department dated 28.02.2018 published the approved list of Deputy Director of Horticulture for promotion, wherein the name of the petitioner was found in Serial No.1. Therefore, the petitioner is entitled for promotion as Deputy Director of Horticulture as per the said Government Order. However, the third respondent has filed a writ petition in W.P(MD).No.5208 of 2018 challenging the said Government Order and obtained interim stay on 12.03.2018. Therefore, the petitioner was not granted promotion to the post of Deputy Director of Horticulture. But, the petition filed by the third respondent was dismissed on



W.P.(MD)No.9532 of 2018

05.02.2020. In the meanwhile, the petitioner retired from service on 31.05.2018. Hence, a petition for amendment of prayer has been filed before this Court in W.M.P(MD).No.17250 of 2018 to provide notional promotion to the petitioner as Deputy Director of Horticulture from the date of G.O.Ms.No.51, Agricultural (AAI) Department dated 28.02.2018 with all monetary benefits.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court permits the petitioner to make a fresh representation claiming notional promotion as Deputy Director of Horticulture.

4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, permits the petitioner to make a fresh representation claiming notional



W.P.(MD)No.9532 of 2018

promotion, within a period of 12 weeks from the date of receipt of a copy of this order, in terms of G.O.Ms.No.51, Agricultural (AAI) Department, dated 28.02.2018, and if such representation is made by the petitioner, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. If he is found to be eligible, the notional promotion shall be awarded to the petitioner.

6. With the above direction, this Writ Petition is disposed of. No costs.

27.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



W.P.(MD)No.9532 of 2018

WEB COPY

To

- 1.The Agriculture Production Commissioner and
Principal Secretary to the Government,
Agriculture Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Horticulture and
Plantation Crops,
Chepauk, Chennai-600 005.



WEB COPY



W.P.(MD)No.9532 of 2018

M.DHANDAPANI,J.

ssb

W.P.(MD)No.9532 of 2018

27.02.2023