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W.P.(MD)No.17264 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17264 of 2016 and
W.M.P.(MD)No.12533 of 2016

V.Thavasi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Agricultural Department,
Fort St.George, Chennai-600 009.
- 2.The Director,
Agriculture Marketing and Agriculture
Business,
Thiru.Vi.Ka. Industrial Estate,
Sipet Road, Guindy, Chennai-32.
- 3.The Secretary,
Madurai Market Committee,
145-A, Anna Nagar,
Madurai-20.
- 4.The Secretary,
The Ramanathapuram Market Committee,
No.105 A, Madurai Road,
Virudhunagar.



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5.I.Ilangeliyan

6.A.Vallavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned ratification orders of the 2nd respondent in செ.மு.ஆ.No/விசுப3/25393/14, dated 01.10.2015, in respect of 5th and 6th respondents and the consequent order of the 2nd respondent, dated 07.10.2015, in Lr.No.MCE3/25393/2014, dated 07.10.2015 and to quash the same and further, to direct the respondents 2 to 4 to follow the amendments in G.O.Ms.No.449, Agriculture (AMI) Department, dated 16.08.1995.

For Petitioners : Mr.R.Maheswaran
For R1 to 4 : Mr.P.Thambidurai
Government Advocate
For R5 & 6 : Mr.S.Ram Sundar Vijay Raj
for M/s.Veera Associates

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned ratification orders of the 2nd respondent, dated 01.10.2015, in respect of 5th and 6th respondents and the consequent order of the 2nd respondent, dated 07.10.2015 and to quash the same and further, to direct



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the respondents 2 to 4 to follow the amendments in G.O.Ms.No.449, Agriculture (AMI) Department, dated 16.08.1995.

2. The contention of the petitioner is that the Secretary is not the appointing authority but only the second respondent is the appointment authority. Hence, the appointment of respondents 5 and 6 is challenged before this Court. The learned Counsel for the respondents 5 and 6 submitted that the writ petition cannot be maintained, since the petitioner is not the affected party. Moreover the petitioner is 68 years old at the time of filing this writ petition.

3. The learned Counsel for the respondents 5 and 6 submitted that the respondents 5 and 6 were appointed as Drivers in the year 2003 on temporary basis. Thereafter, in the year 2013, the respondents 5 and 6 were appointed permanently. Subsequently, second respondent also ratified the appointment of the respondents 5 and 6 in the year 2015



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itself. In the meanwhile, the first respondent has passed G.O.(Ms).No.44, Agriculture (AM.1) Department, dated 17.02.2020, wherein it has been stated that the Secretary of the Market Committee is the appointment authority for 4, 5 and 6 categories. The post of Driver will come under category 5. The said amendment has come into effect from 16.08.1995. Therefore, the Government thought it fit to give retrospective effect to the amended Special Rules.

4. This Court is of the considered opinion that the appointment of respondents 5 and 6 is valid, because of the retrospective effect of the amended Special Rules. Moreover, the petitioner has no locus standi to file this writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Tmg

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