



W.P.No.3426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3426 of 2024

W.M.P.No.3690 of 2024

1. Dr.A.Sivakumar
2. Dr.G.Suresh
3. Dr.K.V.Santhakumar
4. Dr.N.Nachiappan
5. Dr.N.Babu
6. Dr.S.T.Rajkumar
7. Dr.S.Shanmugan
8. Dr.P.Kumaran
9. Dr.K.Thirumurugan
10. Dr.M.Duraipandian
11. Dr.P.Kamalakkannan
12. Dr.S.Raje Ezhil
13. Dr.S.Vadivelu
14. Dr.K.Ramesh

...Petitioners

-Vs-

1. The Secretary to the Government,
Animal Husbandry and Welfare Department,
St. Fort Gorge,
Secretariat,
Chennai – 09.
2. The Commissioner of Milk Production
and Dairy Development,
Madhavaram Milk Colony,
Madhavaram Milk Colony Post,
Chennai – 600 051.



W.P.No.3426 of 2024

3. The Managing Director,
Tamil Nadu Cooperative Milk
Producers Federation Ltd.,
Aavin Illam,
Nandanam, Chennai - 35

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to promote the petitioners to the post of Assistant General Manager (Veterinary)/(Milk Production) within the stipulated period as may be fixed by this Court.

For Petitioner : Mr.C.V.Shailandhran
For Mr.Vikram Veerasamy

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.K.Tamilvendan
Government Advocate.

ORDER

The writ petition has been filed for direction directing the respondents to promote the petitioners to the post of Assistant General Manager (Veterinary)/(Milk Production).

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



W.P.No.3426 of 2024

3. The petitioners were appointed as Assistant Manager (Veterinary) in the District Cooperative Milk Producers Union. There are working in the same post for the past 27 years. In the meantime, they were redesignated as Manager (Veterinary). The Government of Tamil Nadu had issued government order in G.O.Ms.249, Animal Husbandry and Fisheries (M.P.I) Department dated 10.11.1997, thereby established a common cadre service and common cadre rules were framed.

4. The third respondent had called for appraisal report from all the District Cooperative Milk Producer's Union General Managers vide proceedings dated 26.06.2023, to draw a panel to promote Assistant General Managers, who are common cadre officers on various discipline including veterinary. Accordingly, all the District Cooperative Milk Producer's Union General Managers have submitted the performance appraisal report, common cadre panel for the year 1st January, 2022 to 31st December, 2022. The crucial date for acquiring requisite work experience shall be 01.01.2022. Based on the said report, the Managing Director had drawn a panel excluding the veterinary doctors on 09.10.2023 and 10.10.2023 vide his proceeding Ref.No.



W.P.No.3426 of 2024

12188/PE1/2023. Accordingly, the other discipline managers were promoted on 19.10.2023 as Assistant General Manager.

5. Therefore, the petitioners submitted representation dated 15.10.2023 to include veterinarians promotional panel in the personnel committee meeting to be conducted on 16.10.2023. However, without considering the request of the petitioners, the third respondent issued order of promotion to the post of Assistant General Manager to other disciplines line Marketing, Administration, Dairying etc., without considering the petitioners viz., veterinary doctors.

6. Therefore, the petitioners filed writ petition in W.P.No.30910 of 2023 for direction to direct the second respondent to implement the proceedings of the second respondent dated 14.03.2023 for approved cadre strength of Assistant General Manager Veterinary and Milk Production. This Court by an order dated 01.11.2023, directed the respondents to consider the representation submitted by the petitioners on merits and in accordance with law.



W.P.No.3426 of 2024

7. Thereafter, the third respondent considered the representation and passed order dated 28.12.2023 that as per the G.O.Ms.249, Animal Husbandry and Fisheries (MP.I) Department dated 10.11.1997, personnel committee of the Tamil Nadu Cooperative Milk Producer's Federation is the competent authority to consider promotion to the common cadre service. The panel for promotion to the post of Assistant General Manager (Veterinary)/(Milk Production) is pending and upon completion of preparation of panel, the subject will be placed before the ensuing personnel committee, who is competent authority to consider promotion from the post of Manager to Assistant General Manager.

8. Thereafter, the Managing Director/Common Cadre Authority had drawn a panel of Assistant General Manager (Veterinary)/(Milk Production) for the year 2023 by the proceedings dated 22.01.2024. Further some of the Doctors, who are having disciplinary proceeding, are not included in the panel. In fact, after derivation of panel of Assistant General Manager dated 22.01.2024, calling upon objection about the panel. Even after expiry of time, the



W.P.No.3426 of 2024

petitioners are not promoted to the post of Assistant General Manager as per the panel drawn by the Managing Director dated 22.01.2024.

9. Instead of promoting the petitioners, once again the Managing Director/Common Cadre Authority has issued a proceedings dated 02.02.2024, thereby called upon all the General Managers of the all District Cooperative Milk Producers Union and Joint Managing Direction to send appraisal report from the crucial date viz., 01.01.2024 in respect of the officers are concerned. Therefore, the officers are directed to submit the filled in performance appraisal report/ confidential report in the format prescribed for the period up to 31.12.2023 along with property statement.

10. Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents submitted that the Assistant Managers in other disciplines filed writ petition before this Court in W.P.No.29046 of 2023 questioning the cadre strength of the officers and this Court passed interim order dated 06.10.2023 that any decrease in the cadre strength of Marketing Personnel or promotion of the Veterinarians cadre strength



W.P.No.3426 of 2024

will be subject to the final decision of that writ petition. He further submitted that the panel drawn by the Managing Director dated 22.01.2024 has been scraped and by the proceedings dated 02.02.2024, called upon all the General Manager of the District Cooperative Milk Producers Unions and Joint Managing Directors to submit appraisal report from the crucial dated in respect of all the officers are concerned. Now the officers are directed to submit the filled in performance appraisal report/confidential report in the format prescribed from the period up to 31.12.2023 from 01.01.2021 along with property statement. Accordingly, new panel will be prepared and it is under progress. He also submitted that the seniority of the petitioners will not be disturbed, except one M.Subramani, who is senior to the petitioners and they will promote immediately.

11. In view of the above submissions, the third respondent is directed to drawn the panel of Assistant General Manager (Veterinary)/(Milk Production) for the year 2023-24 forthwith and promote the petitioner to the post of Assistant General Manager within a period of four weeks from the date of drawl of panel to the post of



W.P.No.3426 of 2024

Assistant General Manager. It is made clear that seniority of the petitioners as per the panel for the year 2023 dated 22.01.2024 shall not be disturbed at any cost, except on M.Subramani, who is the senior most than the petitioners.

12. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

23.02.2024
(2/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

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W.P.No.3426 of 2024

To
WEB COPY

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W.P.No.3426 of 2024

G.K.ILANTHIRAIYAN. J.
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W.P.No.3426 of 2024
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