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W.P.No.5834 of 2021 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

**W.P.Nos.5834, 5836, 7638, 7641, 7645,
13778, 13782 15111 & 15113 of 2021 and
W.M.P.Nos.8157, 8158, 8161,14626, 14630 of 2021**

W.P.No.5834 of 2021

P.Nataraja

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Agricultural Department,
Fort St.George, Chennai 600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam, Chennai -35.

... 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 on the file of the first respondent relating to the issue of impugned orders viz., G.O.Ms.No.253, Agriculture (AA3) Department dated 06.09.2016; G.O.Ms.No.257, Agriculture (AA3) Department dated 17.10.2017 and G.O.(2D) No.191, Agriculture (AA3) Department dated 18.11.2020 and



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quash the same and consequently direct the respondents to prepare the panel for Assistant Engineers fit for promotion as Assistant Executive Engineers for the years 2011-12 to 2014-15 and consider the petitioner for inclusion therein and if found fit and included, promote him as Assistant Executive Engineer notionally and treat him as Assistant Executive Engineer with effect from 01.04.2012 or any subsequent date as the case may be with all service and monetary benefits and consequently, to revise his pay and pay arrears therefor and also to direct the respondents also to revise the panel for Assistant Executive Engineers fit for promotion as Executive Engineer approved in G.O.Ms.No.257, Agriculture (AA3) Department dated 17.10.2017 for 40 vacancies and to prepare panel of Assistant Executive Engineers fit for promotion to the category of Executive Engineer for the year 2018-19 and consider the petitioner to be included therein and if found fit and included to promote him as Executive Engineer notionally with effect from 01.04.2018 or nay other subsequent date as the case may be and revise his pay and pension accordingly and pay the arrears therefor.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.T.Chezhiyan, AGP

COMMON ORDER

These Writ Petitions have been filed seeking to quash the



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impugned orders viz., G.O.Ms.No.253, Agriculture (AA3) Department dated 06.09.2016; G.O.Ms.No.257, Agriculture (AA3) Department dated 17.10.2017 and G.O.(2D) No.191, Agriculture (AA3) Department dated 18.11.2020 and consequently direct the respondents to prepare the panel for Assistant Engineers fit for promotion as Assistant Executive Engineers for the years 2011-12 to 2014-15.

2. Heard Mr.N.Subramaniam, learned counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. The petitioners have been promoted to the post of Assistant Executive Engineer for the promotion panel for the year 2015-16. But the grievance of the petitioners is that even during earlier years, the vacancies were there but the promotion panels have not been prepared. Had the promotion panels been prepared for each and every year in accordance with the rules, the petitioners could have accommodated in the earlier panels and they would have got their promotion much earlier.



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In this regard they have given a representation to the respondents and requested to workout the vacancies existed in each and every year and issue panel for each year so as to enable them to get the notional benefit from the year during which the promotion is due to them. But it was not given due to the failure to prepare year-wise promotion panel.

4. When the matter was taken up today, the learned Additional Government Pleader for the respondents submitted that the Government has issued a Government Order in G.O.Ms.No.25, Agriculture-Farmers Welfare (AA3) Department dated 08.02.2024 in which, the petitioners' position was worked out as against each and every year and the promotional panel has also been issued accordingly.

5. It is seen from the above Government Order that for some of the years the estimated vacancies were nil. But now 25 vacancies estimated for the year 2011-12, 13 vacancies for the year 2012-13 and three vacancies for the year 2013-14. Among the petitioners, some of the petitioners have been included in the panels which have been prepared



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with retrospective effect as against the respective panel year. However, in respect of the year 2013-14 and 2014-15, the Government has worked out nil vacancies but the petitioners continued to claim that in view of the retirement of certain officers during the relevant years, there were vacancies in those years as well. But they have not been included in the present Government Order also. In such case, the petitioners can make a representation to the respondents to re-consider the vacancy position and issue revised Government Order, if the vacancies are actually found in the respective years.

6. As against those persons who have been included in the earlier years, they are entitled to get the notional effect for their promotion from the year in which they have been included in the panel, however with the monetary benefit from the date on which they assumed charge in the said post.

7. Hence the respondents are directed to issue orders for giving notional effect for those persons whose names have been included in the



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panels of the earlier years and revise their retirement benefits-cum-pensionary benefits accordingly and disburse the same within a period of six weeks from the date of receipt of a copy of this order.

8. It is needless to state that if petitioners are still aggrieved that some of their names have not been included in the promotion panel particular year despite there were vacancies, they can give fresh representations to the respondents with the facts substantiating their claim within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider and pass orders within a period of four weeks from the date of receipt of those representations.

9. With the above directions, these Writ Petitions are disposed. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No



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To

- 1.The Secretary,
Agricultural Department,
Fort St.George, Chennai 600 009.
- 2.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam, Chennai -35.



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