



WEB COPY

W.P.No.28233



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.28233 of 2013

and

M.P.No.2 of 2013

S.Ramkumar

... Petitioner

Vs.

The Chief Engineer (Agricultural Engineering),
Nandanam, Chennai – 600 035.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Me.Pa.2/53050/2012 dated 13.09.2013 and quash the same insofar as the petitioner is concerned and direct the respondent to retain the petitioner in the post of Junior Engineer (Agricultural Engineering) and grant him all the consequential benefits.

For Petitioner

: Mr.P.Rajendran

For Respondent

: Mr.Vadivelu Deenadayalan

ORDER

The petitioner herein was initially appointed as 'Assistant Driller' on 18.06.1991 and thereafter, he was considered for promotion from time to time and



finally he was promoted to the post of Junior Engineer (Agricultural Engineering) through proceedings dated 21.05.2008 and through the very same proceedings, the petitioner was required to acquire certain qualifications, as prescribed in the said order of promotion within a period of five years. As the petitioner failed to acquire the said qualifications as required under the order of promotion dated 21.05.2008, a show-cause notice dated 06.03.2013 was issued to the petitioner and thereafter, the impugned proceedings dated 13.09.2013 came to be issued reverting the petitioner to the post of 'Agricultural Engineering Foreman'. It is aggrieved by the said proceedings dated 13.09.2013, the petitioner approached this Court by filing the present Writ Petition.

2. The Special Rules viz., Tamil Nadu Agricultural Sub-ordinate Services, in specific Clause (ii) of Rule 9(a) mandates that the Junior Engineer (Agricultural Engineering) appointed by directed recruitment or by promotion or through recruitment by transfer from other services shall acquire the test enumerated under the said Clause within a period of 5 years of such appointment, and failing which their services shall be terminated or reverted, as the case may be.

3. In the instant case, there is no dispute that the petitioner has not acquired the test, as required under the said Rule or in terms of the order of promotion dated



21.05.2008. The petitioner admittedly claimed to have passed the said test only in the year 2018. It is only because of the failure on the part of the petitioner to pass the required test, as mandated under the order of promotion and Clause (ii) of Rule 9(a) of the Rules, the petitioner was reverted to the post of 'Agricultural Engineering Foreman'. As submitted by learned Additional Government Pleader, on passing the required tests, the case of the petitioner was again considered and accordingly, he was promoted to the post of 'Junior Engineer (Agricultural Engineering)' through proceedings dated 06.12.2021 and his services were also regularized in the said post.

4. In the light of the undisputed fact situation, this Court does not find any error or illegality in the impugned order passed by the respondents in reverting the petitioner from the post of Junior Engineer (Agricultural Engineering) to the post of 'Agricultural Engineering Foreman'. In the circumstances, this Court does not find any merit in the Writ Petition and the same is accordingly dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

14.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

skr

To

The Chief Engineer (Agricultural Engineering),
Nandanam, Chennai – 600 035.

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