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W.P.Nos.19331 of 2024 and etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.19331, 19336, 19339, 19342, 19345, 19349, 19351, 19344, 19348, 19352, 19357, 19366 and 19368 of 2024 and W.M.P.Nos. 21191, 21192, 21197, 21198, 21201, 21205, 21208, 21202, 21204, 21209, 21215, 21222 and 21223 of 2024

W.P.No.19331 of 2024:-

Dr.M.Ramesh

... Petitioner

Vs

1. The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture-Farmers Welfare Department,
Secretariat,
Chennai – 600 009.

2. The Director of Agriculture,
Chepauk,
Chennai – 600 005.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to prepare panel for promotion to the post of Joint Director of Agriculture, by calling for the service particulars and confidential reports from all the eligible Deputy Directors of Agriculture pursuant to the merger of the posts both extension and Research wing as per G.O.Ms.No.537, dated 24.12.2007 by considering petitioner representation dated 20.05.2024.



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In all W.Ps

For Petitioners : Mr.N.Manoharan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

These writ petitions have been filed for direction directing the respondents to prepare panel for promotion to the post of Joint Director of Agriculture, by calling for the service particulars and confidential reports from all the eligible Deputy Directors of Agriculture pursuant to the merger of the posts both extension and Research wing as per G.O.Ms.No.537, dated 24.12.2007 by considering the petitioners' respective representations.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were recruited through Tamil Nadu Public Service Commission for the post of Agricultural Officer (Research). Thereafter, they were promoted to the post of Deputy Director of Agriculture. At that time, the recruitment and appointment for the entry level post of Agricultural Officer was done under two categories, i.e., Agricultural Officer (Research) and Agricultural Officer (Extension). The post of Agricultural Officer (Extension) is coming



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under the Tamil Nadu Agricultural Extension Service Rules and the post of Agricultural Officer (Research) is coming under the Tamil Nadu Agricultural Subordinate Service Rules. As per the Service Rules, the Agricultural Officer (Extension) is not permitted to serve or seek transfer as the Agricultural Officer (Research) and vice versa. While being so, for effective management of the Agricultural Departments and for exchange of knowledge between both the categories, the first respondent passed an order dated 24.12.2007 for merger and restructuring of the Agriculture Department.

4. A perusal of the said Government Order reveals that the purpose and object of the said G.O was to enable the officers working in both the divisions to exchange their knowledge and experience for effective working of the department. Therefore, both the wings were merged together and they were allowed to work interchangeably, besides scrapping the head of the office posts (Assistant Agricultural Chemist, Agricultural Chemist and Joint Director (Research)) for all the laboratories functioning in the State.

5. The relevant portion of the Government Order in Clause 10 in G.O.Ms.No.537, dated 24.12.2007 is extracted hereunder:-



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“ The two wings of agriculture viz., Extension and Research (Chemistry) and currently functioning separately under separate Service Rules. Rotating of staffs between the two wings will enhance the technical and managerial capacity of the staff. Moreover, the qualification for both the cadres is same i.e., B.SC (Agri). Therefore, these two wings will be merged so that there will be only one cadre for managing both extension and research functions. Provisions will be made to ensure that merger does not affect the seniority, promotional prospects and service conditions of each cadre. Similarly, the staff going to horticulture, seeds certification and marketing from agriculture will continue to enjoy the same seniority and promotional prospects that are presently getting in agricultural department.”

6. Thus, it is clear that these provisions will be made to ensure that merger does not affect the seniority, promotional prospects and service conditions of each cadre. Further, there will be only one cadre who will manage both extension and research activities in Agricultural Department and the entry level posts shall be Agricultural Officer only. The seniority and service conditions of the staff of the Research/Extension wing for the purpose of promotional opportunities shall be continued in the respective existing cadre till the incumbents retire from service.

7. Further, it is clear that the post of Officers in both the wings will be filled up by promotion from the cadres of Agricultural Officer/Horticultural Officer/Agricultural Officer (Research) taken together and by following



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common seniority based on the date of their regularization in the entry level posts as a one time measure.

8. While being so, the second respondent, by its communication dated 21.05.2024 requested the authorities concerned to submit the service particulars and confidential reports for preparation of panel for promotion to the post of Joint Director of Agriculture only from the wing of Deputy Director of Agriculture (Extension) and not from the Deputy Director of Agriculture (Research). It is against the Government Order in G.O.Ms.No.537 dated 24.12.2007. Therefore, the petitioners submitted a detailed representation dated 20.05.2024 seeking to maintain common seniority at the entry level appointment for the post of Extension and Research, in compliance with G.O.Ms.No.537 dated 24.12.2007.

9. The learned Special Government Pleader appearing for the respondents would submit that as per the Government Order, common seniority cannot be maintained for both the wings, since as per the provisions made in the Government Order, to ensure that merger does not affect the seniority, promotional prospects and service conditions of each cadre.



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10. As rightly pointed out by the learned counsel appearing for the petitioners, no juniors to the petitioners' wing or other wing were allowed to supersede or overlook the seniority for promotion to the post of Assistant Director and Deputy Director of Agriculture. Government Order is very clear that the posts of Assistant Director (Agriculture)/Assistant Director (Horticulture) in all the Directorates will be filled up by promotion from the cadres of Agricultural Officer/Horticultural Officer/Agricultural Officer (Research) taken together and by following common seniority based on the date of their regularization in the entry level posts as a one time measure.

11. In view of the above, the second respondent is directed to call for service particulars and confidential reports for preparation of panel for the promotion to the post of Joint Director of Agriculture from the wing of the petitioner viz., Deputy Director of Agriculture (Research) and communicate the same to the first respondent for preparing the panel for promotion to the post of Joint Director of Agriculture in order to maintain common seniority, within a period of two weeks from the date of receipt of a copy of this order.

12. With the above directions, these writ petitions are disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.



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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture-Farmers Welfare Department,
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Chennai – 600 009.
2. The Director of Agriculture,
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