



W.P.No.30420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.30420 of 2023

W.M.P.Nos.30025 & 30026 of 2023

1. Chithra T.A.Subbarayan
2. R.Narayanasamy
- ...Petitioners

-Vs-

1. The Principal Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariate,
Chennai-600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai-600 005.
3. The Director,
Directorate of Agricultural Marketing and Agri Business,
Industrial Estate,
Guindy,
Chennai-600 032.

...Respondents



W.P.No.30420 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in Letter No.4686955/Ve.Ni/2023-1 dated 21.07.2023 and consequential communication of the 2nd respondent in letter No.PaAaPa2/32476/2023 dated 07.10.2023 and quash the same and consequently permit the petitioners to serve in the post of Agricultural Officer.

For petitioners	: Mr.L.Chandrakumar
For respondent 1	: Mrs.R.L.Karthika, Government Advocate
For respondents 2 & 3	: Mrs.V.Yamuna Devi Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 21.07.2023 thereby rejected the request made by the petitioners for relinquishing their promotion to the post of Assistant Director and consequently by the communication of the 2nd respondent dated 07.10.2023 thereby ordered transfer by promotion to the post of Assistant Director.

2. The petitioners were appointed as Agricultural Officer in the



W.P.No.30420 of 2023

Department of Agriculture through TamilNadu Public Service Commission.

They are working in their respective places as Agricultural Officers. They are facing health issues and as such they relinquished their further promotion to the post of Assistant Director. Therefore, at present, the 1st petitioner is working as Agricultural Officer in the State Agmark Grading Laboratory-II, Erode and the 2nd petitioner is working as Agricultural Officer in the Office of Fertilizer Control Laboratory, Madurai. In terms of Tamilnadu Government Servants (Conditions of Service) Act, 2016, the Section 57 (2) permits the Government Servant for relinquishment of right or privilege for a temporary period and it shall be accepted if the period is not less than three years. The petitioners relinquished their promotion to the post of Assistant Director. However, the request made by the petitioners were rejected by an order dated 21.07.2023 by the first respondent. Subsequently, the 2nd respondent transferred the petitioners by promotion to the post of Assistant Director to the Office of the Assistant Director, Agricultural Department, Chengalpattu District and Office of the Assistant Director, Agricultural Department, Musiri, Trichy District respectively.



W.P.No.30420 of 2023

3. The learned counsel for the petitioners submitted that in terms of Tamilnadu Government Servants (Conditions of Service) Act, 2016, the Section 57(2) permits the Government Servant for relinquishment of right or privilege for a temporary period and it shall be accepted if the period is not less than three years.

4. The learned counsel for the 2nd respondent filed counter and submitted that the petitioners made request temporarily for relinquishing their promotion. If they made request for permanent relinquishment of their promotion to the post of Assistant Director, the rule permits to consider their request. The relevant rule is extracted hereunder:

"In terms of Tamilnadu Government Servants (Conditions of Service) Act, 2016, the Section 57(2) permits the Government Servant for relinquishment of right or privilege for a temporary period and it shall be accepted if the period is not less than three years."



W.P.No.30420 of 2023

5. Therefore, the right of relinquishment for a temporary period shall be accepted, if it is made for a period not less than three years subject to the condition that after the expiry of said period, the claim of the right or privilege relinquished will be with reference to the state of affairs that exist on the date of expiry of the period of relinquishment and without restoration of their original seniority. It also permits that if the relinquishment of right or privilege is made permanently and is accepted, subsequent claim of the relinquished rights or privileges shall not be entertained.

6. The learned counsel for the petitioners further submits that now the petitioners are willing to opt for relinquishment permanently if rule permits.

7. In view of the said submission, the impugned order passed by the first respondent dated 21.07.2023 and the 2nd respondent's communication dated 07.10.2023 are quashed. The first respondent is directed to permit the petitioners for permanent relinquishment to the next post of Assistant Director and retain them in the post of Agricultural Officer



W.P.No.30420 of 2023

till their retirement. It is also made clear that they shall not claim any rights or privilege for their next promotion to the post of Assistant Director in future.

8. With the above direction, this writ petition is allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

01.03.2024

Index : Yes/No
Internet: Yes/No
gvn



W.P.No.30420 of 2023

WEB COPY To

1. The Principal Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariate,
Chennai-600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai-600 005.
3. The Director,
Directorate of Agricultural Marketing and Agri Business,
Industrial Estate,
Guindy,
Chennai-600 032.



WEB COPY



W.P.No.30420 of 2023

G.K.ILANTHIRAIYAN,J.
gvn

W.P.Nos.30420 of 2023
W.M.P.Nos.30025 & 30026 of 2023

01.03.2024