



WEB COPY



W.P.No.33867 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

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

W.P.No.33867 of 2022

1.S.Ravi
2.A.S.Sekar
3.G.A.Ravi

... Petitioners

Vs.

1.The Principal Secretary to Government,
Department of Agriculture,
Fort St.George,
Chennai-9
2.The Director,
Agricultural Marketing & Agri Business,
SIPCOT Road,
Chennai-32
3.The Secretary,
Villupuram Marketing Committee,
Villupuram
4.The Secretary,
Tiruvannamalai Marketing Committee,
Tindivanam Road,
Tiruvannamalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the second respondent in Letter No.V2Pa3/30540/2019-1 dated 02.11.2022 and the proceedings of the third respondent in



W.P.No.33867 of 2022

Na.Ka.No.A1/4115/2019 dated 11.11.2022 and to quash the same and to consequently direct the respondents to give suitable promotional posts to the petitioners with all consequential benefits as per the Rules.

For Petitioners : Mr.N.Suresh

For Respondents

For R1 & 2 : Mr.V.Veluchamy,
Additional Government Pleader

For R3 : Mr.A.Anandan,
Government Advocate

For R4 : Mr.M.Murali,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 02.11.2022 and the proceedings of the third respondent dated 11.11.2022 thereby denied the request made by the petitioners seeking promotion to the post of Superintendent.

2. The case of the petitioners is that they were appointed as Watchman in their respective Marketing Committees temporarily. After completion of their probationary period, they were regularised in the said post. As per the Government Order in GO.Ms.No.43 dated 15.02.1994 ordered that persons in services other than Tamilnadu Ministerial Service



W.P.No.33867 of 2022

WEB COPY

who are in categories having no promotional opportunities or even after more than on promotion in their respective services, would still be in the category carrying scale of pay lower than that of the Junior Assistant cum Typist / Typist alone should be considered for appointment by transfer as Junior Assistant / Typist in the Tamilnadu Ministerial Services subject to the possession of the required qualification. The petitioners' services were declared as Government service by the Government order in GO.Ms.No.470 dated 05.07.1989. Accordingly, the petitioners were appointed as Market Maistry by transfer from the post of Watchman.

2.1 The next level of promotion from the post of Market Maistry is to the post of Propaganda Inspector. Those who were appointed in the Ministerial service in Marketing Committees in the Department of Agriculture to the post of Junior Assistant in Group IV service by direct recruitment, shall have SSLC qualification and they will be appointed by the Tamilnadu Public Service Commission. They have to pass departmental test and the next level of promotion will be the post of Supervisor. The qualification for the post of Junior Assistant and Market



W.P.No.33867 of 2022

WEB COPY

Maistry are one and the same. However, the post of next level of promotion from the post of Junior Assistant is Supervisor. However, the next post of promotion for the post of Market Maistry is Propaganda Inspector. It is lower than the post of Supervisor. Therefore, there is discrimination and disparity in promotion from the category of Market Maistry and from the category of Junior Assistant. In fact, the petitioners in order to get promotion to the post of Market Maistry, they shall have to pass all departmental tests and Agriculture Test. Therefore, the Director of Agricultural Marketing and Business had sent communication dated 24.06.2014 and as such, the Government directed to send proposals for amendment to the Rules.

2.2 Accordingly, a proposal was sent for making necessary amendments in the Rules by the communication dated 05.08.2015. However, so far no amendment is made and as such, the petitioner filed writ petitions for directions to include their names also for promotion to the post of Supervisor. This Court directed the respondents to consider the representation submitted by the petitioners. However, it was rejected



W.P.No.33867 of 2022

by the order dated 11.11.2022 on the ground that there was no Rules available for the purpose of promotion.

3. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned counsel appearing on either side, revealed that although the qualification of SSLC is the same eligibility criteria for both Market Maistry and Junior Assistant, the nature of job varies between the two posts. Further, the post of Junior Assistant is filled up by Group IV Examination conducted by Tamilnadu Public Service Commission. Further, the promotional opportunities are different from cadre to cadre based on the Service Rules fixed by the Government to the concerned Departments according to the nature of the work of the Department. The persons in the post of Market Maistry can be promoted as Propaganda Inspector and from the post of Propaganda Inspector, they will be promoted as Supervisor. Therefore, there is absolutely no discrimination and disparity between the post of Junior Assistant and Market Maistry. That apart, as per the existing Service Rules, the persons working in the post of Junior Assistant, Typist and



W.P.No.33867 of 2022

Steno Typist can be promoted as Supervisor and not the person in the post of Market Maistry. Further, the mode of appointment to both the posts is completely different. The pay scale for the post of Junior Assistant is fixed as Rs.19,500/- to Rs.62,000/- whereas the scale of pay for the post of Market Maistry is fixed as Rs.18,000/- to Rs.56,900/-. Therefore, the post of Market Maistry cannot be considered equal to the post of Junior Assistant for getting promotion to the post of Supervisor. As such, this Court finds no infirmity or illegality in the impugned orders.

4. Accordingly, this writ petition is dismissed. However, it is made clear that if any amendment is made in the Rules, the case of the petitioners may be considered for promotion to the post of Supervisor. There shall be no order as to costs.

19.03.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok



WEB COPY



W.P.No.33867 of 2022

To

- 1.The Principal Secretary to Government,
Department of Agriculture,
Fort St.George,
Chennai-9
- 2.The Director,
Agricultural Marketing & Agri Business,
SIPCOT Road,
Chennai-32
- 3.The Secretary,
Villupuram Marketing Committee,
Villupuram
- 4.The Secretary,
Tiruvannamalai Marketing Committee,
Tindivanam Road,
Tiruvannamalai

G.K.ILANTHIRAIYAN, J.

lok



WEB COPY



W.P.No.33867 of 2022

W.P.No.33867 of 2022

19.03.2024