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W.P.(MD) No.17344 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.17344 of 2018

and

W.M.P.(MD) No.15249 of 2018

M.Veeranan

... Petitioner

-VS-

- 1.The Principal Secretary of
the Government of Tamilnadu
Agricultural Department
Fort St.George
Chennai-600 009
- 2.The Chief Engineer
(Agricultural Engineers)
Tamil Nadu Agricultural Department
32P, Annasalai
Nandanam, Chennai-600 035
- 3.The Superintending Engineer
Agricultural Engineering Department
TPK Road, Madurai
- 4.The Executive Engineer
Agricultural Engineering Department
TPK Road, Madurai



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5.The Assistant Executive Engineer
Agricultural Engineering Department
Regulated Marketing Complex
Usilampatti Road
Madurai-625 532

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the second respondent in his letter No.Mepa2/45425/20416, dated 01.03.2018 and quash the same further directing the second respondent to take into account the long service rendered by the petitioner in various schemes and various capacities from the year of 1998 in the post of Assistant Engineer (Agricultural Engineering) and regularize the services, seniority and other monetary benefits to settle within the time frame to be fixed by this Court.

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order, dated 01.03.2018, passed by the second respondent, rejecting the petitioner's request for regularization of his service and to revise his seniority and to settle the monetary benefits to him.

2. In the earlier writ petition filed by the very same petitioner in W.P.No.6925 of 2007, wherein the petitioner, on account of his long years of service, had sought for a direction to be appointed as Assistant Engineer pursuant to the interview conducted on 22.12.1997 for the post of Agricultural Engineer in the respondent – Department, this Court by its order dated 18.08.2011, directed the second respondent therein to regularize the services of the petitioner in any suitable post in future vacancies taking into account the long years of service rendered by him in various schemes and in various capacities under the respondents. Since the said order was not complied with, the petitioner had filed a contempt petition in Cont.P.No.1498 of 2013. Thereafter, the Government, in their letter dated 23.07.2013, instructed the Chief Engineer (Agricultural Engineering) to appoint the petitioner in any suitable post, except in the post of Assistant Engineer (Agricultural



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Engineering), since the post of Assistant Engineer (Agricultural Engineering) comes under the purview of the Tamil Nadu Public Service Commission. Therefore, the petitioner was not given appointment as Assistant Engineer (Agricultural Engineering) and in turn, he was appointed as Assistant Soil Conservation Officer, *vide* proceedings of the Chief Engineer (Agricultural Engineering) dated 30.07.2013. The petitioner also accepted the said appointment to the post of Assistant Soil Conservation Officer, subsequent to the filing of the contempt petition in Cont.P.No.1498 of 2013. Since the order dated 18.08.2011, passed in W.P.No.6925 of 2007, was complied with, the said contempt petition came to be closed. Despite the closure of the contempt petition, once again the petitioner has filed this writ petition challenging the impugned order rejecting his request for regularization of his service and to revise his seniority and to pay him the monetary benefits. While passing the impugned order, the second respondent has rejected the petitioner's request, on the ground that the post of Assistant Engineer (Agricultural Engineering) comes under the purview of the Tamil Nadu Public Service Commission and the method of recruitment to the said post is by way of direct recruitment, recruitment by transfer from lower categories and re-designation and therefore, the petitioner's request was rejected.



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3. This Court does not find any infirmity in the reasoning given by the second respondent for rejecting the petitioner's request, since the order of this Court passed in the earlier writ petition filed by the petitioner, dated 18.08.2011 in W.P.No.6925 of 2007 has been complied with and the petitioner has also accepted the said appointment and the contempt petition has also been closed, the question of re-agitating the issue once again by the petitioner, as prayed for in this writ petition, does not arise. This Court does not find any merit in this writ petition.

4. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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ABDUL QUDDHOSE, J.

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