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LPA.No.56 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON: 11.12.2025**  
**DELIVERED ON : 19.12.2025**

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN**  
**AND**  
**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**LPA No.56 of 2025**

S.Sathyanarayanan

.. Appellant

vs.

1.Selvi. Apporva, I.A.S.,  
Principal Secretary to Government of Tamil Nadu,  
Agricultural Department,  
Fort St.George, Chennai – 600 009.

2.Thiru.R.Murugesan,  
The Chief Engineer,  
Agricultural Engineering Department,  
487, Anna Salai, Nandanam,  
Chennai-35.

.. Respondents

**PRAYER:** Letter Patent Appeal filed under Clause 15 of the Letters Patent against the order passed in Cont.P.No.2851 of 2024 dated 29.11.2024.

For Appellant : N.Subramaniyan

For Respondents : Mrs.Dakshayani Reddy, Senior Advocate  
Assisted by  
Mr.M.Murali, Government Advocate for R1 and R2.



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## **JUDGMENT**

**M.JOTHIRAMAN, J.**

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The writ petitioner is the appellant herein and he filed this appeal to set aside the order of the Contempt Court dated 29.11.2024 closing the contempt petitions in Cont.P. Nos.2851 & 3026 of 2024. Originally the appellant herein, namely S.Sathyanarayanan and one N.Vijayakumar have filed writ petitions in W.P.Nos.7638 and 7641 of 2021 along with other writ petitions filed by similarly placed persons, seeking to quash the impugned orders in G.O.Ms.No.253, Agriculture (AA3) Department dated 06.09.2016, G.O.Ms.No.257, Agriculture (AA3) Department dated 17.10.2017 and G.O. (2D).No.191, Agriculture (AA3) Department dated 18.11.2020 and consequently direct the respondents to prepare the panel for Assistant Engineers fit for promotion as Assistant Executive Engineers for the years 2011-12 to 2014-15 and consider the petitioner for inclusion therein. Upon hearing either side, the Writ Court, vide common order dated 25.03.2024, has passed the following order and the relevant paragraphs are extracted hereunder:

*“4. When the matter was taken up today, the learned Additional Government Pleader for the respondents submitted that the Government has issued a Government Order in G.O.Ms.No.25, Agriculture-Farmers Welfare (AA3) Department dated 08.02.2024 in which, the petitioners' position was worked*



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out as against each and every year and the promotional panel has also been issued accordingly.

5. It is seen from the above Government Order that for some of the years the estimated vacancies were nil. But now 25 vacancies estimated for the year 2011-12, 13 vacancies for the year 2012-13 and three vacancies for the year 2013-14. Among the petitioners, some of the petitioners have been included in the panels which have been prepared with retrospective effect as against the respective panel year. However, in respect of the year 2013-14 and 2014-15, the Government has worked out nil vacancies but the petitioners continued to claim that in view of the retirement of certain officers during the relevant years, there were vacancies in those years as well. But they have not been included in the present Government Order also. In such case, the petitioners can make a representation to the respondents to reconsider the vacancy position and issue revised Government Order, if the vacancies are actually found in the respective years

6. As against those persons who have been included in the earlier years, they are entitled to get the notional effect for their promotion from the year in which they have been included in the panel, however with the monetary benefit from the date on which they assumed charge in the said post.

7. Hence the respondents are directed to issue orders for giving notional effect for those persons whose names have been included in the panels of the earlier years and revise their retirement benefits-cum- pensionary benefits accordingly and disburse the same within a period of six weeks from the date of receipt of a copy of this order.

8. It is needless to state that if petitioners are still aggrieved that some of their names have not been included in the promotion panel particular year despite there were vacancies, they can give fresh representations to the respondents with the facts substantiating their claim within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider and pass orders within a period of four weeks from the date of receipt of those representations.

9. With the above directions, these Writ Petitions are



*disposed. No costs. Consequently, connected miscellaneous petitions are closed.”*

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2. Alleging non-compliance of the aforesaid order dated 25.03.2024, the appellant / Sathyanarayanan and the said N.Vijayakumar had filed Cont.P.Nos.2851 and 3026 of 2024. On 04.11.2024, the contempt Court has passed the following order:

*“2. The learned Additional Advocate General appearing for the respondents submitted that the second respondent has considered the representation of the petitioners and passed an order on 06.09.2024 by rejecting that representation and hence, the orders dated 25.03.2024 passed by this Court has been complied with and if the petitioners have any grievance, they have to prefer appeal. However, the learned counsel appearing for the petitioners submitted that in the impugned order, the representations of the petitioners are directed to be considered in the spirit of the earlier discussion made in the earlier orders about the NIL vacancy.*

*3. In the counter filed by the second respondent, it is stated that in view of the earlier orders made in the other batches of petitions in S.L.P.(C) No. 20081-20085 of 2022 dated 01.08.2023 and orders made in W.P. No. 27211 of 2016 etc., dated 24.08.2023, NIL Panel has been accepted and hence, the benefit cannot be passed on to the petitioners. Even that clearance was not seen in the impugned order, which claims to be the compliance order dated 06.09.2024 and further, there is no explanation as to why NIL panel has been stated during the hearing of the writ petition. For the first time in the counter in the contempt petition, the above submission is made. So the respondents are directed to take a call and pass a fresh order in view of the observation now made and complete the aforesaid exercise within two weeks. 4. List after two weeks.”*



3. The appellant / petitioner in Cont.P.No.2851 of 2024, namely S.Sathyanarayanan has also filed Sub. Application (OS) No.1203 of 2024, under Section 379 BNSS r/w. Section 151 of Civil Procedure Code seeking to initiate criminal proceedings against the respondents herein to prosecute them for the offence of giving false evidence in these judicial proceedings before this Court. Upon hearing either side, the contempt Court has passed orders on 29.11.20224 and the relevant portions are extracted hereunder:

*“3.Subsequently by considering the order of this Court, the second respondent has passed a fresh order dated 08.11.2024, in which, the following clarification has been given:*

*“9. It is informed that when the Rule 2(b) of the Special Rules for the Tamil Nadu Agricultural Engineering Service as amended in G.O.Ms.No.34, Agriculture (AA3) Department, dated 17.02.2015 was challenged in a batch consisting of W.P.No.27211 of 2015, etc., by the Diploma Holders which envisages a ratio of 3:1 between Assistant Engineer on promotion and Junior Engineer on recruitment by transfer for promotion as Assistant Executive Engineer; the Hon-ble Court vide orders dated 24.08.2022 has upheld the ratio of 3:1 from 24.07.2013 and modified its retrospective nature from 24.07.2013 instead of April 2011 and struck down the proviso. Besides, it has also been ordered to issue the panel recommended in the year 2011 and apply the ratio of 3:2 without proviso upto 23.07.2013. Subsequently, the issue was taken on appeal by the Degree Holders in SLP(C) No.20081~20085 of 2022, SLP (D).No.11784 of 2023 and the Hon-ble Supreme Court in orders dated 01.08.2023 has dismissed the Special Leave Petitions.*

*10. In compliance to the aforesaid orders dated 24.08.2022 and 01.08.2023, the Government has amended the Rule 2(b) by making the ratio rule of 3:1 effective from 24.07.2013 without*



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*proviso and also making the ratio 3:2 effective prior to this period without proviso vide G.O.Ms.No.226, Agriculture~Farmers Welfare (AA3) Department, dated 18.10.2023 and thereafter needs to revise the Assistant Executive Engineer panels from the year 2011. While drawing the revision of panels from 2011 as ordered, the Government was in a position to avoid reversion of persons who have already acted as Assistant Executive Engineers which in turn was also observed by the Hon-ble Supreme Court of India in orders date 01.08.2023 against SLP(C).No.20081~20085 of 2022, SLP(D).No.11784 of 2023. Therefore, the Government took a policy decision not to revert the persons as their accrued rights will get affected since they had already acted as Assistant Executive Engineers and also to avoid spate of litigations and also not to unsettle the settled issue in the way of reversion. Hence, the Government decided to accept the “NIL“ panels already issued and to carry over or apportioning the actual vacancies happened because of retirements, promotions etc., of these years to the subsequent years. Accordingly, the Government issued estimate of vacancies and apportionment of vacancies and issued G.O.(Ms).No.24, Agriculture~Farmers Welfare (AA3) Department, dated 08.02.2024 in this regard in the way of policy decision by accepting “NIL“ vacancies for the period 2013~14 (24.07.2013 to 31.03.2014), 2016~17, 2017~18, 2018~19, 2019~20 inter~alia.*

*11. It is further informed that based on the above decision of estimate of vacancies and apportionment of vacancies, the Government has revised panels from the year 2011 vide G.O. (MS).No.25, Agriculture Farmers Welfare (AA3) Department, dated 08.02.2024 for promotion as Assistant Executive Engineers without any reversion of persons already acted as Assistant Executive Engineers. By this revision of panels, the orders of the Hon-ble High Court dated 24.08.2022 on the main Writ Petitions and 01.08.2023 of the Hon-ble Supreme Court as stated above has been fully complied with by the Government.*

*12. It is also informed that re~opening the “NIL“ panels as requested by you will lead to reversion of persons who had already acted as Assistant Executive Engineers and may also lead to contempt proceedings before the Hon-ble Supreme Court of*



*India in the aforesaid Special Leave Petitions.*

*13. Hence, in order to avoid such a situation of reversion, contempt proceedings before the Hon-ble Supreme Court of India and complexity involved in the matter, the Government decided to accept the “NIL“ panels for the years 2013~14 (24.07.2013 to 31.03.2014), 2016~17, 2017~18, 2018~19, 2019~20 and accorded consequent revision of panels as stated above. Henceforth, the persons retired including you in these years for which ““NIL“ panels and the apportionment of the vacancies was decided by the Government as a policy matter cannot be promoted as it cannot be unsettled at this time. It is therefore informed that on the grounds stated supra, though you were in the zone of consideration, found no place for promotion as Assistant Executive Engineer as per rules in the aforesaid revision of panels from 2011~12 to 2020~21 drawn by the Government as you had retired in 2018. Hence, your representation is not feasible for compliance.“*

*4. In the above said order, the second respondent appears to have considered the direction given in the above Writ Petitions and also the direction given during the earlier hearing. If the petitioners are aggrieved, it is upto them to file a fresh Writ Petition challenging the above order.*

*5. As I do not find any wilful disobedience in complying the order passed by this Court, these Contempt Petitions are closed. Connected Sub~Application is also closed.”*

Aggrieved over the aforesaid closing of the contempt petition and also closing of the connected sub application, the present appeal has been filed by the appellant / writ petitioner viz., S.Sathyannarayanan.

4. The learned counsel appearing for the appellant would submit that the contempt Court without examining and rendering a finding as to whether



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the order of the Writ Court is complied with or not? had closed the contempt petition, which is unsustainable in law. The observations made by the contempt Court was that it is for the appellant to challenge the order in a separate writ petition is also unsustainable in law. The respondents by way of filing false affidavits mislead the Court to defeat the order sought to be implemented aggravating the contempt and even the appellant filed the sub application to prosecute the respondents for perjury, but the contempt Court simply reproduced the statements made in the counter affidavit filed by the respondent and closed the contempt petition without ensuring the implementation of the said order dated 25.03.2024.

5. The learned counsel for the appellant further would submit that the contempt Court failed to appreciate the preparation of panel every year, which is a statutory mandate and the respondents patently falsified records to defeat the order of this Court, despite filing of the contempt petition. The contempt Court failed to appreciate the fact that the impugned order would result in discrimination and the persons with lesser qualification and experience are promoted, whereas the appellant is denied of his fundamental right to be considered for promotion. The writ Court simply relying upon



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G.O.(Ms.)No.25 dated 08.02.2024 produced by the respondents directing to follow the preparation of panel taking into account the correct vacancies existing in the years for which the respondents had approved as “NIL” vacancies and admittedly the appellant was able to point out the actual vacancies existed in the years for which the vacancies were shown as “NIL”, but falsely stated in the counter affidavit filed by the first respondent in the contempt petition as if the Government took a policy decision to approve “NIL” vacancies citing the same G.O.Ms.No.25 dated 08.02.2024, which is unsustainable in law. To strengthen his contentions, the learned counsel for the appellant relied upon the decision of the Hon’ble Apex Court in ***Midnapore Peoples’ Coop. Bank Ltd. And Others v. Chunilal Nanda and Others [(2006) 5 SCC 399]*** to show that in contempt proceedings, it has to be decided whether any contempt was committed or not?

6. Mrs.Dakshayani Reddy, learned Senior Advocate assisted by Mr.M.Murali, learned Government Advocate appearing for the respondents would submit that the estimated vacancies have been approved as “NIL” vide G.O.Ms.No.24, Agriculture Farmers Welfare (AA3) Department dated 08.02.2024 for the panel years 2013-14, 2014-15, 2016-17 to 2019-2020 by



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appointment of vacancies subsequent to the orders and retaining such vacancies as NIL for these years for the revision of panels issued vide G.O. (Ms.)No.25 dated 08.02.2024. The Government by carrying over the approving actual vacancies that had happened in a retirement or promotions of certain years and subsequent to the orders issued, the estimate of vacancies and apportionment of vacancies had issued G.O.Ms.No.25 dated 08.02.2024.

7. The learned Senior Counsel for the respondents further submitted that as per G.O.Ms.No.25 dated 02.02.2024, 92 persons have been considered for revision and promotion for the panel years 2015-2016. The Hon'ble Supreme Court in the order dated 01.08.2023 in SLP(C)No.20081-85 of 2022 has observed that already accommodated Assistant Executive Engineers need not be reverted to the lower post and hence, in order to avoid such a situation of reversion and complexity, the Government has decided to accept the "NIL" panel drawn and ordered as such in G.O.Ms.No.24 dated 08.02.2024 and accorded consequent revision of panels vide G.O.Ms.No.25 dated 08.02.2024 and thus, complied with the order of the writ Court. To strengthen her contention, learned Senior Advocate appearing for the



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respondents has relied upon the judgment of the Hon'ble Supreme Court in

***J.S.Parihar v. Ganpat Duggar and Others [(1996)6 SCC 291]*** to show that

once there is an order passed on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum.

8. We have considered the rival submissions and perused the entire records.

9. It is seen from the records that in compliance of the Writ Court order W.P.No.7638 of 2021 etc., batch dated 25.03.2024, the Chief Engineer, Agricultural Engineering Department addressed a letter No.G.E.3/12906/2021 dated 06.09.2024 to the appellant herein, namely S.Sathyanarayanan, wherein it has been stated as follows:

*“4. In obedience to the orders of the Hon'ble High Court and by considering your representation 3<sup>rd</sup> cited, it is informed that, in compliance to the orders made in other batches viz., dated 01.08.2023 in SLP(C) No 20081-85 of 2022 and orders dated 24.08.2022 in W.P.No 27211 of 2015, etc, necessary revision of panels for the post of Assistant Executive (AE) is issued vide G.O(Ms) No 25, Agriculture-Farmers Welfare (AA3) Department, dated 08.02.2024.*

*5. In the aforesaid revision, you have found no place in the revised panel for the years 2011-12 to 2020-21 as per rules as you*



*had retired in 2019 before the crucial date.*

*6. Hence, it is informed that the orders of the Hon'ble court dated 25.03.2024 in W.P.No 7638 of 2021 was complied with during the aforesaid revision of panels based on various cases as mentioned previously."*

**10.** It is brought to the notice of this Court that subsequently the aforesaid Chief Engineer, Agricultural Engineering Department addressed a letter No.GE.3/12906/2021 dated 08.11.2024 to the appellant herein wherein it has been stated as hereunder:

*"10. In compliance to the aforesaid orders dated 24.08.2022 and 01.08.2023, the Government has amended the Rule 2(b) by making the ratio rule of 3:1 effective from 24.07.2013 without proviso and also making the ratio 3:2 effective prior to this period without proviso vide G.O/Ms.No.226, Agriculture-Farmers Welfare (AA3) Department, dated 18.10.2023 and thereafter needs to revise the Assistant Executive Engineer panels from the year 2011. While drawing the revision of panels from 2011 as ordered, the Government was in a position to avoid reversion of persons who have already acted as Assistant Executive Engineers which in turn was also observed by the Hon'ble Supreme Court of India in Orders dated 01.08.2023 against S.L.P(C) No. 20081-20085 of 2022, S.L.P.(D) No. 11784 of 2023. Therefore, the Government took a policy decision not to revert the persons as their accrued rights will get affected since they had already acted as Assistant Executive Engineers and also to avoid spate of litigations and also not to unsettle the settled issue in the way or reversion. Hence, the Government decided to accept the "NIL" panels already issued and to carry over or apportioning the actual vacancies happened because of retirements, promotions, etc., of these years to the subsequent years. Accordingly, the Government issued estimate of vacancies and apportionment of*



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*vacancies and issued G.O.(MS) No. 24, Agriculture-Farmers Welfare (AA3) Department, Dated 08.02.2024 in this regard in the way of policy decision by accepting “NIL” vacancies for the period 2013-14 (24.07.2023 to 31.03.2024), 2016-17, 2017-18, 2018-19, 2019-20 inter-alia.*

*11. It is further informed that based on the above decision, of estimate of vacancies and apportionment of vacancies, the Government has revised panels from the year 2011 vide G.O. (MS) No. 25, Agriculture-Farmers Welfare (AA3) Department, Dated 08.02.2024 for promotion as Assistant Executive Engineers without any reversion of persons already acted as Assistant Executive Engineers. By this revision of panels, the Orders of the Hon'ble High Court dated 24.08.2022 on the main Writ Petitions and 01.08.2023 of the Hon'ble Supreme Court as stated above has been fully complied with by the Government.*

*12. It is also informed that re-opening the “NIL” panels as requested by you will lead to reversion of persons who had already acted as Assistant Executive Engineers and may also lead to Contempt Proceedings before the Hon'ble Supreme Court of India in the aforesaid Special Leave Petitions.*

*13. Hence, in order to avoid such a situation of reversion, contempt proceedings before the Hon'ble Supreme Court of India and complexity involved in the matter, the Government decided to accept the “NIL” panels for the years 2013-14 (24.07.2013 to 31.03.2014), 2016-17, 2017-18, 2018-19, 2019-20 and accorded consequent revision of panels as stated above. Henceforth, the persons retired including you in these years for which “NIL” panels and the apportionment of the vacancies was decided by the Government as a policy matter cannot be promoted as it cannot be unsettled at this time. It is therefore informed that on the grounds stated supra, though you were in the zone of consideration, found no place for promotion as Assistant Executive Engineer as per rules in the aforesaid revision of panels from 2011-12 to 2020-21 drawn by the Government as you had retired in 2019 before the crucial date. Hence, your representation is not feasible for compliance.*



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**11.** This Court is of the view that subsequent to the order of the Writ Court, the respondents have sent a communication, vide aforesaid letter dated 06.09.2024 and also communicated another letter dated 08.11.2024 and subsequent to the directions issued in the contempt petition vide orders dated 04.11.2024.

**12.** In the light of the above, the respondents have complied with the directions issued by the Writ Court and there is no reason warrants to interfere with the order closing the contempt petition and connected sub application. There is no merit in this appeal and the same is liable to be dismissed and accordingly dismissed. However, the appellant is at liberty to work out his remedy in the manner known to law.

**[P.V., J.] [M.J.R., J.]**  
**19.12.2025**

Index : Yes

Internet : Yes

Jvm

To

1.Selvi. Apporva, I.A.S.,  
Principal Secretary to Government of Tamil Nadu,  
Agricultural Department,  
Fort St.George, Chennai – 600 009.

2.Thiru.R.Murugesan,



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The Chief Engineer,  
Agricultural Engineering Department,  
487, Anna Salai, Nandanam, Chennai-35.

**P.VELMURUGAN, J.**  
and  
**M.JOTHIRAMAN, J.**

Jvm

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