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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.11.2025

PRONOUNCED ON : 21.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.Nos.8569, 8570, 8572 & 8574 of 2019

WMP.Nos.9087, 9088, 9090 & 9091 of 2019

M.Rajendran

... Petitioners in all the cases

vs

1. The State of Tamil Nadu
Rep by the Agricultural Production Commissioner &
Secretary to Government
Department of Agriculture
Fort St.George,
Chennai – 600 009.

2.The Commissioner / Director
Horticulture and Plantation Crops
Chepauk, Chennai – 600 005.

3.Shivasubramaniam Samraj

... Respondents 1 to 3 in all the cases

4.K.J.Kishore Kumar
5.Chandrasahana
6.K.Suganthi
7.M.S.Mohan Ram
8.R.Rajamony
9.G.Srinivasan
10.S.Arunachalam
11.R.Krishnamurthy
12.A.Anburajan



13.G.O.Poopathi
14.A.Arputham
15.A.Jayalakshmi
16.A.E.Suresh Kumar
17.P.Tamizhselvi
18.G.K.Uma Rani
19.Venkataramajendra Reddy
20.S.Kannan

... Respondents 4 to 20 in WP.No.8572 of 2019

4.L.R.Raj Gopu
5.S.Muniyandi
6.P.Annamalai
7.A.Manivannan
8.P.Immanuel
9.J.Rajendran
10.K.J.Kishore Kumar
11.Chandrasahasn
12.K.Suganthi
13.M.S.Mohan Ram
14.L.Saraswathi
15.V.Sampath
16.R.Rajamony
17.G.Srinivasan
18.S.Arunachalam
19.R.Krishnamurthy
20.M.Ravi
21.P.Anburajan
22.G.O.Poopathi
23.Vasanthi Gunasekaran
24.A.Arputham

... Respondents 4 to 24 in WP.No.8574 of 2019

Prayer in WP.No.8569 of 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified Mandamus to call for the records relating to the impugned proceedings of the 1st respondent in GO.Ms.No.180 Agriculture (AA1) Department dated



13.07.2018 and GO.Rt.No.244 Agriculture (AA1) Department dated 07.08.2018 quash the same in so far as they relate to inclusion of the name of the 3rd respondent and direct respondents 1 and 2 to promote the petitioner as Joint Director Horticulture with retrospective effect from 07.08.2018.

Prayer in WP.No.8570 of 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in GO.Ms.No.220 Agriculture (AA1) Department dated 08.10.2015 quash the same in so far as it relates to inclusion of the name of the 3rd respondent in the panel for Assistant Directors Horticulture for promotion to the post of Deputy Director of Horticulture for the years 2013-2014, and direct respondents 1 and 2 to retrospectively promote the petitioner as Deputy Director of Horticulture in the place of the 3rd respondent and grant the petitioner all consequential benefits.

Prayer in WP.No.8572 of 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari to call for the records relating to the impugned order passed by the 1st respondent in GO.MS.No.31 Agriculture (AA1) Department dated 20.01.2016 quash the same.

Prayer in WP.No.8574 of 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent in Lr.No.GES4/15449/2016 dated 19.02.2018 quash the same in



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so far as it relates to inclusion of respondents 3 to 24 above the petitioner in the seniority list and redraw the seniority list recognising the petitioner's seniority above respondents 3 to 24.

For Petitioner : M/s.V.S.Manimekalai
in all WPs for Mr.D.Jayasingh

For Respondents : Mrs.V.Yamuna Devi, Spl.GP for R1 to R3
in all the cases

WP.No.8572/2019 – No appearance for R4 to R14, R17 & R20
R15, R19 – Retired from service
R18 – Transferred

WP.No.8574/2019 – No appearance for R6, R7, R9 to R14,
R16 to R24
R4, R5, R15 – Retired from service
R8 – Leave.

COMMON ORDER

Since the petitioner in all the writ petitions is one and the same and the issue involved in all the four writ petitions are intertwined, all the writ petitions were heard together and are being disposed of by this common order.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.



3. The petitioner by the writ petitions had laid a multifaceted challenge to proceedings from the year 2013-2014 till 2018.

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4. Briefly stated the case of the petitioner is that he had joined service as Agricultural Officer on 15.10.1984; that on completion of 10 years of service he was granted selection grade from 15.10.1994; and that thereafter he was awarded Special Grade on 15.10.2004.

5. It is the further case of the petitioner that while working as Agricultural Officer in the Agricultural Department, Government vide GO.Ms.No.537 dated 24.12.2007 took up restructuring of Directorate of Agriculture, Horticulture & Plantation crops and other departments under the Directorate of Agriculture and deployed the staffs working under the Directorate of Agriculture to the Directorate of Horticulture & Plantation Crops; that pursuant to the aforesaid deployment, the petitioner was deployed to work as Assistant Director, Horticulture in the Directorate of Horticulture from January 2008; that though the petitioner by his option form submitted on 10.01.2013 opted to go back to parent department (i.e.) Directorate of Agriculture, the said option was withdrawn and a fresh option was submitted



on 06.03.2013 to remain in the Horticulture Department; that the respondents without considering that the petitioner had opted to be under Directorate of Horticulture, have refused to consider his seniority while recommending the names for promotion to the post of Deputy Director of Horticulture and further promotion to Joint Director of Horticulture.

6. It is also the case of the petitioner that the 3rd respondent who is junior to the petitioner in the seniority as per TNPSC ranking in the Agricultural Department, placed at Sl.No.397, while petitioner seniority is Sl.No.361, is considered for promotion to the post of Deputy Director in the year 2013-2014 and thereafter to the post of Joint Director in the year 2018, thereby making the petitioner junior to the 3rd respondent.

7. It is the further case of the petitioner that the respondents while approving the list of candidates to the post of Deputy Director of Horticulture under GO.Ms.No.31 dated 20.01.2016 for the year 2015-2016 also excluded the name of the petitioner; that the name of the petitioner was included in list to the post of Deputy Director of Horticulture of the year 2016-2017 vide GO.Ms.No.51 dated 28.02.2018, even though the 3rd respondent who is



junior to him has been considered and granted promotion to the post of Deputy Director under GO.Ms.No.220 dated 08.10.2015 and thereafter being considered for promotion to the post of Joint Director, Horticulture, without taking his seniority into consideration.

8. The petitioner further contended that when the respondent sought to transfer him back to the Directorate of Agriculture, pursuant to proceedings dated 21.07.2016 issued by the Commissioner of Horticulture and the consequential order dated 25.07.2016, the petitioner approached this Court by filing Writ Petition in WP.No.26905 of 2016; that this Court by order dated 19.11.2018, taking note of the fact that the petitioner though on 10.01.2013 had exercised option to revert back to the Agricultural Department, having withdrawn the said option exercised and having submitted fresh option and willingness dated 06.03.2013 to remain in Horticulture Department; and that the respondents accepting the same, having given promotion to the post of Deputy Director of Horticulture, had set aside the proceedings dated 25.07.2016 transferring him back to the Agricultural Department; thus, the petitioner being in Horticulture Department is eligible for being considered for promotion to the post of Deputy Director in the year



2013-2014 over and above the 3rd respondent, as per GO.Ms.No.220 dated 08.10.2015.

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9. It is the further case of the petitioner that the respondents without taking note of the fact that the redeployed staff are required to exercise option on expiry of 5 years after their re-deployment and the petitioner having exercised the option to remain in the Department of Horticulture vide option form submitted on 06.03.2013, the respondents could not have placed the petitioner below the 3rd respondent in the Seniority list issued under Proceedings dated 19.02.2018 in relation to Assistant Director of Horticulture.

10. The petitioner further contended that since, the respondents did not consider the petitioner's' name to be included in the panel for the year 2013-2014 for the post of Deputy Director under GO.Ms.No.220 dated 08.10.2015; and also excluded in the list for the year 2015-2016 by the GO.Ms.No.31, both the GO's are being challenged.



11. It is further contended that since, the respondents have issued seniority list of Assistant Director of Horticulture vide proceedings dated 19.02.2018 placing the petitioner as Junior to the 3rd respondent and others, thereby effecting inter-se seniority among the various respondents, the said seniority list as published by the respondents is also being challenged.

12. Thus, it is contended by the petitioner, he is assailing the action of the respondents in issuing the GO.Ms.No.180 dated 13.07.2018 recommending panel of names of Deputy Directors of Horticulture to the post of Joint Director for the year 2018-2019 and not including the name of the petitioner therein and also consequential GO vide GO.(Rt).No.244 dated 07.08.2018 under which the first person named in the GO.Ms.No.180 was appointed as Joint Director, the present writ petitions are filed.

13. Counter affidavit on behalf of the respondents is filed.

14. The respondents by the counter affidavit contended that pursuant to the issuance of GO.Ms.No.537 dated 24.12.2007, restructuring of the Directorate of Agriculture was taken up and the petitioner was transferred



and joined as Assistant Director of Horticulture on 01.02.2008. As per the aforesaid Government Order, the transferred staff member is required to exercise option to be absorbed in Directorate of Horticulture or revert back to Directorate of Agriculture; that after 5 years, the post which are falling vacant permanently in the Directorate of Horticulture and Plantation crops is permanently transferred to Directorate of Horticulture; that the petitioner had exercised his option on 10.01.2013 to revert back to parent department (i.e.) Directorate of Agricultural Department; and that subsequently on 06.03.2016, withdrawing the said option, opted to stay in Horticulture Department.

15. It is contended by the respondents that the petitioner while withdrawing his earlier option to revert back to the Agricultural Department and seeking to stay in the Horticulture Department, however gave a conditional option stating that his option is subject to maintaining the seniority in the Agricultural Department and that since, the said option is conditional option, the same is rejected vide proceedings dated 04.01.2016; and on rejection of option exercised by him, he was transferred back to Directorate of Agriculture along with similarly placed other staff members who were deployed to work in the Directorate of Horticulture.



16. The respondents further contended that the petitioner instead of accepting the transfer back to Directorate of Agriculture, had approached this Court by filing the writ petition in WP.No.26905 of 2016 seeking for quashing the proceedings dated 25.07.2016; that this Court while disposing of the aforesaid writ petition on 19.11.2018 taking note of the fact that the petitioner was granted promotion to the post of Deputy Director under GO.Ms.No.51 dated 28.02.2018 and is left with another 2½ months service, quashed the transfer order; that the petitioner taking advantage of the said order has filed the present writ petitions claiming as if he is entitled to be considered for promotion to the post of Deputy Director in the year 2013-2014 and also for being included in the panel for further promotion as Joint Director for the year 2018-2019.

17. On behalf of the respondents, it is also contended that the petitioner having not opted to remain in Horticulture Department, however on being reverted back to the parent department in terms of the option provided under GO.Ms.No.537 dated 24.12.2007 has challenged his transfer by approaching this Court by filing the writ petition vide WPNo.26905 of 2016 and pending



consideration of the said writ petition, the petitioner name was included for promotion to the post of Deputy Director in the year 2018-2019 under GO.Ms.No.51 dated 28.02.2018 subject to outcome of the writ petition; and that this Court while disposing of the aforesaid writ petition taking note of the fact that the petitioner having been granted promotion to the post of Deputy Director in the month of February 2018 and left with 2 ½ months of service before attaining the age of superannuation had quashed the transfer order; and that the petitioner having been included in the temporary list of candidates to be promoted to the post of Deputy Director only in the year 2018-2019, is not eligible for getting the name included for the panel for further promotion as Joint Director, as the rules notified under GO.Ms.No.271 dated 27.11.2015 requires not less than two years of service as Deputy Director of Horticulture; and that as the petitioner does not fulfill the above criteria laid down under the rules, the petitioner is not entitled to challenge the GO.Ms.No.180 dated 13.07.2018 and consequential GO.(Rt).No.244 dated 07.08.2018. Contending as above, the respondents seek for dismissal of the writ petition.

18. I have taken note of the respective contentions urged.



19. Before proceeding to consider the submissions advanced by the petitioner in these writ petitions, it is important to note that on the Government issuing the GO.Ms.No.220 dated 08.10.2015 approving the names of Assistant Director of Horticulture, in the temporary list for promotion to the post of Deputy Director of Horticulture in the year 2013-2014 under General Rule 4(a) of Tamil Nadu State Subordinate Services, whereby the 3rd respondent name is included and the petitioner's name is excluded from consideration, the petitioner did not challenge the said GO and remained silent. In absence of any challenge to the said GO by the petitioner at the relevant point of time, the 3rd respondent who has been promoted to the post of Deputy Director and having put in more than two years of service became eligible to be considered for further promotion to the post of Joint Director in the year 2018-2019, as per GO.Ms.No.180 dated 13.07.2018.

20. The petitioner having allowed the GO.Ms.No.220 to be implemented, cannot now after lapse of four years lay challenge to the same claiming that his name ought to have included in the panel list to the post of Deputy Director. Further it is also important to note that the petitioner has filed the present writ petitions only from 31.01.2019 onwards (i.e.) date on



which the petitioner was retiring from service on attaining the age of superannuation.

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21. The petitioner by the writ petition vide WP.No.8574 of 2019 filed on 31.01.2019 had challenged the seniority list published by the respondents under the cover of letter dated 19.02.2018, wherein the petitioner name is shown at Sl.No.72 with date of joining in the post of Assistant Director of Horticulture as 02.07.2011, while the 3rd respondent is shown at Sl.No.39 having joined the post of Assistant Director of Horticulture on 03.01.2008. The petitioner on the aforesaid seniority list being published, did not file any objection or representation seeking for correction or bringing out any omission by the respondents in publishing the aforesaid seniority list, though the proceedings dated 19.02.2018 had clearly stated that any representation with regard to omission / correction is to be filed within 15 days from the date of receipt of the letter dated 19.02.2019. Thus, the petitioner had allowed the seniority list of Assistant Director as published by the respondent to become final.



22. Further the petitioner also did not raise any objection when his name was included in the list of Assistant Director for promotion to the post of Deputy Director of Horticulture in the year 2018-2019 under GO.Ms.No.51 dated 28.02.2018 and infact at the time of hearing of the writ petition vide WP.No.26059 of 2018 claimed that he having been promoted as Deputy Director, pursuant to option exercised by him on 06.03.2013.

23. The aforesaid conduct of the petitioner in not raising any objection at the relevant point of time i.e., when the respondent excluded his name from being considered in the temporary list to the post of Deputy Director either during the year 2013-2014, 2015-2016 and including his name in the temporary list of the year 2016-2017 though subject to the outcome of WP.No.26905 of 2016 only goes to show that the petitioner had acquiesced himself of action taken by the respondents and as such cannot now turn around and lay challenge to the various proceedings by these writ petitions.

24. Further, it is settled position of law that the seniority list which has attained finality should not be disturbed / unsettled normally as the same



would have catastrophic effect. [See – **V.Vincent Velankanni Vs. Union of India and others – 2024 SCC online SC 2642**]

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25. Further, the petitioner on being deployed to work in the department of Horticulture, initially chose to keep his option open to revert back to his parent department till atleast 10.01.2013 (i.e,) till the expiry of 5 years period mentioned in the GO.Ms.No.537 dated 24.12.2007, upon which the post falling vacant has been permanently transferred to the Directorate of Horticulture & Plantation crops are required to be filled up by following the service Rules of Directorate. The petitioner had exercised his option to remain in the Department of Horticulture only on 06.03.2013 by withdrawing his earlier option to revert back to the parent department (i.e,) Directorate of Agriculture. It is only upon the petitioner exercising the option to remain in the Department of Horticulture on 06.03.2013, he would be eligible for permanent absorption in the Department of Horticulture and not before.

26. Though, it is contended by the petitioner, that the options are to be exercised in terms of Clause 12 of GO.Ms.No.537 dated 24.12.2007 only after expiry of 5 years and thus, the petitioner having exercised the option on



06.03.2013, immediately after expiry of 5 years, a reading of Clause 12 of the G.O.Ms.No.537 shows that it is only an option that has been granted to the staff deployed and it is not that the staff deployed could not have exercised the option earlier.

27. Thus, the petitioner chose to adopt an approach of wait and watch till the expiry of 5 years to see whether the post falling vacant by promotion or retirement of the deployed staff in the Directorate of Horticulture and Plantation crops and the said vacancies being permanently transferred to the said department, so as to have the benefit of evaluating options in which department he would have better chances, as compared to the other staff who had exercised the option at an earlier point of time to remain in particular department. Therefore, the petitioner cannot claim that he ought to have been placed over and above the other deployed staff who had exercised the option for permanent absorption in the Department of Horticulture.

28. Insofar as the claim of the petitioner with regard to he having been granted promotion as Deputy Director as noted by this Court in WP.No.26905 of 2016 dated 19.11.2018, it is to be noted that by



GO.Ms.No.51 dated 28.02.2018 the name of the petitioner was included in the temporary list to the post of Deputy Director only on 28.02.2018. The Court taking note of the said fact and also that the petitioner is due for retirement on 31.01.2019 had set aside the order transferring him back to the parent department. The aforesaid quashing of the transfer order would not in any manner be considered as this Court holding that the petitioner having been absorbed in the Department of Horticulture from the date of his joining. On the other hand this Court taking note of the fact that the petitioner is being considered in the temporary list to the post of Deputy Director in the year 2016-2017 and being left with a short tenure of service of 2½ months quashed his transfer back to parent department.

29. Further as the petitioner never worked as Deputy Director of Horticulture, he would not be eligible for the post of Joint Director for the year 2018-2019 as having not completed two years of service in the post of Deputy Director. Thus, the petitioner cannot challenge the GO.Ms.No.180 and GO.(Rt).No.244 where under list consisting of 6 names including the name of the 3rd respondent had been approved for being considered for promotion to the post of Joint Director; and the first name among the said



names mentioned in the list in GO.Ms.No.180 being approved and appointed as Joint Director under GO.(Rt).No.244.

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30. Thus, the entire endeavour of the petitioner in laying challenging to various proceedings after retirement in all these writ petitions is misconceived and misadventurous, apart from being devoid of merits. Accordingly, all the writ petitions are dismissed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

21.11.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The State of Tamil Nadu
Rep by the Agricultural Production Commissioner &
Secretary to Government
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W.P.Nos.8569, 8570, 8572 & 8574 of 20



T. VINOD KUMAR, J.

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Pre-Delivery Common Order in

20/21



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W.P.Nos.8569, 8570, 8572 & 8574 of 2019



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