



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 10000 of 2024
And
W.M.P.No. 11007 of 2024

1. T.Subramanian
2. T.M.Raman
3. C.A.Maryvinitha
4. T.Mohan Kumar
5. U.Lakshmanan ... Petitioners

..Vs..

The Joint Director of Horticulture
Vijayanagaram Horticulture House,
P.B.No.74, Udagamandalam – 643 001. ... Respondent

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondent to consider the representation of the petitioners herein dated 12.12.2023 for the granting of Selection Grade and consequent enhancement of pay, within the time frame which may be fixed by this Hon'ble Court.



WEB COPY



For Petitioners

:: Mr. M.Padmanaban

For Respondent

:: Mr. S. Yashwanth
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondent to consider a representation given by the petitioners dated 12.12.2023 and grant Selection Grade and consequent enhancement of pay to the petitioners herein.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioners were regularised as Farm Employees by G.O.No. 494, Agriculture Department dated 29.11.2007. It is contended that they had served for more than 17 years but had not been granted Selection Grade. In this connection, they had given a representation on 12.12.2023 to the Joint Director of the Department of Horticulture. Seeking a Mandamus to pass necessary orders on the said representation, the present Writ Petition has been filed.



3. A counter affidavit filed on behalf of the respondent wherein it had

WEB COPY been stated as follows:-

“3. It is submitted that the proposal sent by the Managing Director, Tamil Nadu Horticulture Development Agency vide Letter No.FPM1/887/2008, dated 26.11.2009 to the Government were not accepted and a new proposal vide Letter No. FPM1/366/2018 dated 09.09.2019 and 25.08.2020 by the Managing Director, Tamil Nadu Horticulture Development Agency was sent to the Government. The Government after considering the proposal had issued orders vide G.O.No. 88, Agriculture and Farmers Welfare (AA-9) Department, dated 21.06.2021 by sanctioning House Rent Allowance, City Compensatory Allowance, Hill Allowance, Winter Allowance, Medical Allowance, Annual increment and other allowances as stipulated in para 22 of G.O.No. 303, Finance (Pay Cell) Department dated 11.10.2017 to the Farm Labourers. (Copy annexed)

4. It is submitted that since the Farm Labours were placed under Special Time Scale of Pay vide G.O.Ms.No.494, dated 29.11.2007 as said above, the benefits available for regular employees could not be



extended to them.”

WEB COPY

4. It had been contended on behalf of the respondents that the Government had considered a proposal sent by the President, Tamil Nadu Horticulture Farm Labours Association at Vellore that since daily wage employees were not recruited through the process of employment exchange, the Government may relax the mode of recruitment process and regularise their services. It had been stated that the Government had then passed G.O.(Ms.).No. 494 Agriculture (AA1) dated 29.11.2007 and had issued orders appointing 1083 daily wage labours as Farm Labourers. The petitioners were also among the said daily wage labourers, who had been appointed as Farm Labourers. It is therefore contended on behalf of the respondents that since they did not join service through proper recruitment process and also not through the employment exchange, they could not be brought into regular service under the Government post. It is for that reason, the Government had passed G.O.No. 88, Agriculture and Farmers Welfare (AA-9) Department, dated 21.06.2021 sanctioning House Rent Allowance, City Compensatory Allowance, Hill Allowance, Winter Allowance, medical Allowance, Annual increment and other allowances as stipulated in G.O.No. 303, Finance (Pay Cell) Department, dated 11.10.2017. It is thus seen that the respondent had extended the financial benefits to the petitioners herein.



They cannot be brought into regular service, since they had not been appointed through recruitment process. They were originally daily wage labourers and on considering their plight, they had been appointed as Farm Labourers. The Government had passed G.O.No. 88, Agriculture and Farmers Welfare (AA-9) Department, dated 21.06.2021 extending financial benefits as stated above.

5. In view of the said situation, the relief sought by the petitioners cannot be granted. The Writ Petition stands dismissed. Consequently, connected Civil Miscellaneous Petition stands closed. No order as to costs. But however, the benefits which have been extended to the petitioners under G.O.No. 88, Agriculture and Farmers Welfare (AA-9) Department, dated 21.06.2021 may continue to be extended to the petitioners.

24.02.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

C.V.KARTHIKEYAN, J.,

vsg



WEB COPY To

The Joint Director of Horticulture
Vijayanagaram Horticulture House,
P.B.No.74, Udagamandalam – 643 001.

W.P.No. 10000 of 2024
And
W.M.P.No. 11007 of 2024

24.02.2025