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W.A.Nos.11, 15 of 2025 and
3215, 3283, 3288, 3344, 3389
& 3572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A.Nos.11, 15 of 2025 and
3215, 3283, 3288, 3344, 3389 & 3572 of 2024

[W.A.No.11 of 2025]

1. The Agricultural Production Commissioner and
Principal Secretary to Government
Agriculture – Farmers Welfare Department
Secretariat, Chennai – 600 009.

2. The Director of Agriculture
Chepauk, Chennai – 600 005. .. Appellants

Vs.

Dr.A.Nazar .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the common order dated 12.07.2024 made in W.P.No.19357 of
2024.

For the Appellants : Mr.M.Alagu Gowtham
in all W.As Government Advocate

For the Respondent : Mr.V.P.Sengottuvel
in W.A.Nos.11 & 15 of 2025, Senior Counsel
3215, 3344, 3283, 3288 for Mr.M.Dhivakar
& 3572 of 2024

and for R1 in
W.A.No.3389 of 2024

For Respondents 2 to 6 : Mr.L.Chandrakumar
in W.A.No.3389 of 2024



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For Respondents 7 to 57
in W.A.No.3389 of 2024

:

Mr.Srinath Sridevan
Senior Counsel
for Mr.S.Lakshmikanth

COMMON JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

These intra-Court appeals arise out of a common order passed by the Writ Court in its common order dated 12.07.2024 made in W.P.No.19357 of 2024, etc. batch, where, though eleven writ petitions were disposed of together, only eight intra-Court appeals since have been filed as against the said common order, all these writ appeals were heard together and are disposed of by this common order.

2. We have heard *Mr.M.Alagu Gowtham*, learned Government Advocate for the appellants, *Mr.V.P.Sengottuvel*, learned Senior Counsel appearing on behalf of *Mr.M.Dhivakar*, learned counsel for the respondents/writ petitioners, *Mr.L.Chandrakumar*, learned counsel appearing for respondents 2 to 6/impleaded respondents in W.A.No.3389 of 2024 and *Mr.Srinath Sridevan*, learned Senior Counsel appearing on behalf of *Mr.S.Lakshmikanth*, learned counsel for respondents 7 to 57/impleaded respondents in W.A.No.3389 of 2024.

3. Though the controversy that has arisen in this batch of writ



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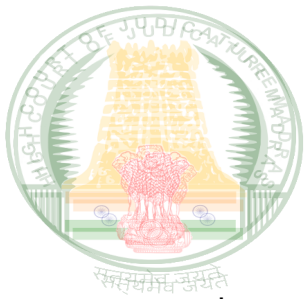
appeals appears to be a larger one, on close reading of the issue, we could easily cull-out the main threat in the issue, which is simple in nature and we are trying to explain the same in the following paragraphs of the order.

I. Background of the case:-

4.1. The respondents/writ petitioners and the impleaded respondents are working as Deputy Directors of Agriculture. It is to be noted that, initially they entered into service as Agricultural Officers in two separate wings, called the "Agricultural Officers (Extension)" wing and "Agricultural Officers (Research)" wing by selection through the Tamil Nadu Public Service Commission.

4.2. Though the qualifications for both these posts are one and the same, on appointment, these two wings of Agricultural Officers are separately dealt with by two different Service Rules. The post of Agricultural Officers (Extension) is governed by the Tamil Nadu Agricultural Extension Service Rules and the post of Agricultural Officers (Research) is governed by the Tamil Nadu Agriculture Subordinate Service Rules. Therefore, all their service conditions are separately dealt with by the respective Service Rules.

4.3. From the initial position of Agricultural Officers, they have



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been promoted to the post of Assistant Directors of Agriculture and subsequently, reached the post of Deputy Directors of Agriculture.

4.4. In the meanwhile, the appellant Government/Department, in the year 2007, took a policy decision and issued the Government Order bearing G.O.(Ms) No.537, Agriculture (AA 8) Department, dated 24.12.2007 [in short, hereinafter referred to as "G.O.No.537"]. The import of G.O.No.537, in a nutshell, would be that the Government thought it fit to merge these two wings, namely the "Agricultural Officers (Extension)" and "Agricultural Officers (Research)", which is otherwise called as "Agricultural Chemist", into one on functional basis so that the expertise in both these wings could be utilized by the Department and there could be a chance of inter-transfer between these two wings.

4.5. In order to give effect to the said policy decision taken by the Government, the said G.O.No.537 was issued, where, *inter alia*, the following conditions have been imposed in paragraph 17 of G.O.No.537:-



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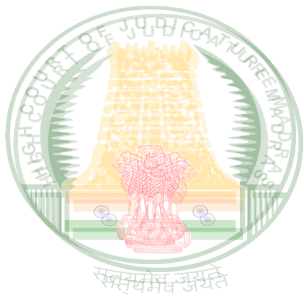
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creation, for day-to-day expenses on inputs, wages, electricity and other contingencies. For this purpose, an amount in the form of Revolving Fund will be given as one time grant to TANHODA

16) The State Government have developed huge infrastructure for State Seed Farms to cater to the needs of the quality seeds. It is essential to utilize the infrastructure already developed for supply of trustworthy seed to the farmers. A newly set up Public Sector Seed Corporation may not compete successfully against private commercial farms. Further, transfer of staff including permanent labour to the proposed corporation will make it unwieldy and unviable from the inception. However, in the interests of the farming community, seed production activity in the state sector has to continue because the commercial concerns will not produce seeds for staples and subsistence crops which is the mainstay of the poor farmer. Hence, instead of a State Seed Corporation, setting up a State Seed Production Agency for agriculture will serve the purpose. The proposed agency with Agricultural Production Commissioner as Ex-officio Chairman and Director of Agriculture as Ex-Officio Member-Secretary will be responsible for preparation of seed production work plan, its implementation and monitoring. The agency will provide working expenses to the seed farms and in turn, get the sale proceeds from the farms. Further, the surplus may be used for upgrading the infrastructure facilities with approval of Government. This arrangement will give the seed farms including the coconut nurseries, the necessary flexibility of operation and improve the seed availability to the farmer in right time.

17) After detailed examination and careful consideration, the Government direct that the restructure proposals in respect of the Directorates of Agriculture, Horticulture and Plantation Crops, Seed Certification & Organic Certification, Agricultural Marketing & Agri Business and Tamil Nadu Horticulture Development Agency (TANHODA) be implemented as below:-

- i. The Extension Wing and Research Wing (Chemistry) in the Department of Agriculture shall be functionally merged. The seniority and the service conditions of the staff of the Research / Extension Wing for the purpose of promotional opportunities shall be continued in the respective existing cadre till the incumbents retire from service. Thereafter, there will be only one cadre who will man both extension and research activities in Agriculture Directorate and the entry level post shall be Agricultural Officer only.
- ii. The existing posts of Additional Director / Joint Director / Deputy Director / Assistant Director / Agricultural Officer / Horticultural Officer / Deputy Agricultural Officer / Assistant Seed Officer and Assistant Agricultural Officer / Assistant Horticultural Officer among the four Directorates and Tamil Nadu Horticulture Development Agency (TANHODA) are reallocated as below:



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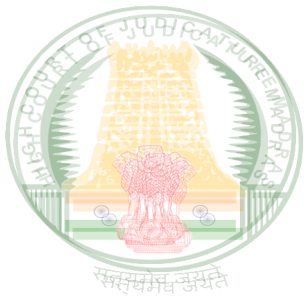
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- iii. Under restructure the cadre strength of technical posts for the four Directorates and also Tamil Nadu Horticulture Development Agency (TANHODA) are given in Annexure-I, Annexure-II, Annexure-III and Annexure-IV to this Order. The details of Government Orders in which the posts were sanctioned are given in Annexure-V to this order.
- iv. To maintain equitable opportunities of promotion, the shortfall of the posts of 509 Assistant Director of Agriculture / Assistant Director of Horticulture under restructure shall be met by way of upgradation of equal no. of posts from among the existing feeder category of Agricultural Officers / Horticultural Officers / Agricultural Officer (Research) by following combined seniority of Agricultural Officers / Horticultural Officers / Agricultural Officers (Research) based on the date of regularization of their services at entry level posts. Corresponding number of the posts from the category of Agricultural Officer/Agricultural Officer (Research) and Horticultural Officer shall stand abolished from their cadre strength. Consequent on the appointment of Assistant Directors of Agriculture at Block level, the post of Agricultural Development Officer now available at Blocks will stand ceased.
- v. The shortfall in the category of Agricultural Officer / Horticultural Officer / Deputy Agricultural Officer is 512 under restructure. These posts shall be filled up by Deputy Agricultural Officers. The required strength of 512 Deputy Agricultural Officers shall be upgraded from the existing 514 Assistant Seed Officers. In future, the cadre strength of Deputy Agricultural Officers shall be fixed as 512. As a result of restructure, the total cadre strength of Agricultural Officers will remain unchanged without any ratio to Deputy Agricultural Officers. Necessary amendments to Service Rules in this regard will be issued separately. Consequently, the corresponding shortfall in the cadre of Assistant Seed Officers shall be filled up by upgrading from the feeder category of Assistant Agricultural Officers / Assistant Horticultural Officers. Hence, 512 posts of Assistant Agricultural Officers will stand abolished from their cadre strength of 5099.
- vi. The six posts of Additional Director of Agriculture downgraded as Joint Director of Agriculture in the Government Order third read above, now stand restored. These posts of Additional Directors shall be filled up from the cadre of Joint Directors of Agriculture and Horticulture.
- vii. Duties and responsibilities of the Technical staff in the form of Job Chart under restructure will be issued separately.
- viii. Operational control of all the State Horticultural Farms (55 Nos.) shall be given to Tamil Nadu Horticulture Development Agency (TANHODA). TANHODA shall be given a one-time grant to be used as Revolving Fund to manage the working expenses of these farms. Further, permission is given to TANHODA to retain the receipts coming from these farms. The Managing Director, TANHODA will send specific proposals to the Government for Revolving Fund.

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The shortfall of 512 posts is met from
by Dy.AO



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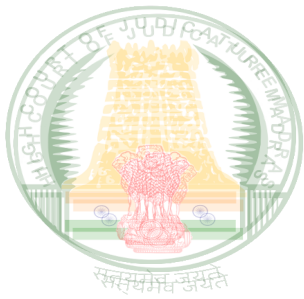


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- ix. In view of the circumstances explained in para 16 above, in principle approval is given for establishment of State Seed Production Agency and Director of Agriculture will send suitable proposal in this regard to Government.
- x. Under restructure, with regard to the posts and staff deployed from the Directorate of Agriculture to the Directorate of Horticulture & Plantation Crops, any post falling vacant by way of promotion or retirement of the deployed staff in the Directorate of Horticulture & Plantation Crops, after expiry of 5 years from the date of issue of this Order, the posts shall stand permanently transferred to the Directorate of Horticulture & Plantation Crops and shall be filled up by the Director of Horticulture & Plantation Crops by duly following the Service Rules of the Directorate of Horticulture & Plantation Crops. In order to maintain fairness and justice and to avoid friction among the staff in awarding promotion and other service benefits, after expiry of 5 years, an opportunity shall be provided to the staff deployed to the Directorate of Horticulture & Plantation Crops to exercise their option for permanent absorption in the Directorate of Horticulture & Plantation Crops. The posts in the Directorates of Seed Certification and Organic Certification and Agricultural Marketing & Agri Business shall continue to be filled up from the common cadre managed by the Director of Agriculture.
- xi. Ministerial staff shall be positioned for State Headquarters and District Headquarters Offices only. But surplus ministerial staff, if any, shall be parked in some of the Blocks on temporary basis. These staff will be withdrawn and used in the District / State Level Offices after re-assessment. All establishment matters will be handled only at the State Headquarters / District Headquarters Offices. The technical staff, viz., Agricultural Officers / Horticultural Officers / Deputy Agricultural Officers / Assistant Seed Officers / Assistant Agricultural Officers posted in Blocks will devote to the activities of technical extension and required office management including preparation and settlement of bills etc.
- xii. The staff re-deployed to other departments under restructure shall not be transferred without prior approval of Government. But, whenever vacancies arise the posts shall be filled up duly following the rules in force.
- xiii. Powers shall be delegated to Director of Horticulture and Plantation Crops, Managing Director, TANHODA, Director of Seed Certification & Organic Certification and Director of Agricultural Marketing & Agri Business for initiation of disciplinary proceedings against the staff allotted on service-lent basis also under Rule 17(a) or 17(b) as the case may be, under Tamil Nadu Civil Services (Discipline and Appeal) Rules and imposition of punishment except imposition of the punishments of termination / dismissal / removal. The powers to impose these major punishments shall be vested with cadre control authority viz., Director of Agriculture / Commissioner of Horticulture & Plantation Crops.
- xiv. Telephone connections are already in existence in all Block Development Offices in the State. For provision of Computers, the expenditure shall be met



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from AGRISNET / National Horticulture Mission (NHM) Schemes / National Agriculture Development Programme (NADP). The offices of Assistant Director of Agriculture / Assistant Director of Horticulture functioning in the taluks are having buildings. Block Level Agricultural Development Offices at present are also having office premises and godowns. The unutilized godowns can also be utilized for office accommodation, if need be. As such, no additional building, telephone connection, furniture will be provided. If any additional facilities are required, the expenditure will be incurred gradually in due course.

18) The pay and allowances and the expenditure on Travelling Allowance and Daily Allowance consequent on shifting / deployment of staff under restructure shall be met from the Head of Account to which their pay and allowances are debited in the respective departments to which they are deployed.

19) This order issues with the concurrence of the P & AR / Finance (Agri.) / Finance (CMPC) Departments vide their U.O. Nos.67016/D/2007-1, Dated 12.12.2007, 371/SS(PK)/2007, Dated 19.12.2007 and 82931/CMPC/2007, Dated 24.12.2007 respectively.

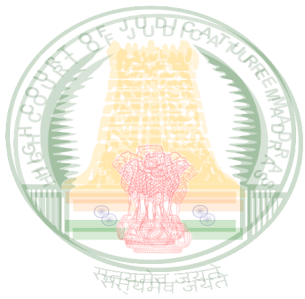
(BY ORDER OF THE GOVERNOR)

SURJIT K. CHAUDHARY
AGRICULTURAL PRODUCTION COMMISSIONER AND
SECRETARY TO GOVERNMENT

To:

The Director of Agriculture, Chepauk, Chennai-5.
The Commissioner Horticulture & Plantation Crops, Chepauk, Chennai -5.
The Director of Agricultural Marketing and Agri Business,
Guindy, Chennai-32.
The Director of Seed Certification & Organic Certification,
Thadagam Road, Coimbatore-13.
The Managing Director, Tamil Nadu Horticulture Development
Agency (TANHODA), Chennai - 5.
The Chief Engineer (Agricultural Engineering), Chennai-35.
The Chief Executive Officer, Tamil Nadu Watershed Development Agency
(TAWDEVA), Chennai-32.
The Director of
The Director of Sugar, Nandanam, Chennai-35,
The Director of Treasuries & Accounts, Panagal Building, Saidapet, Chennai-15.
The Pay and Accounts Officer, Chennai - 5 / 35 / 79
The Pay and Accounts Officer, Madurai / Coimbatore.
The Treasury Officers of all Districts.
The Accountant General (A&E), Chennai - 18 / (By name).
The Accountant General (A&E), Chennai - 35 / (By Name)

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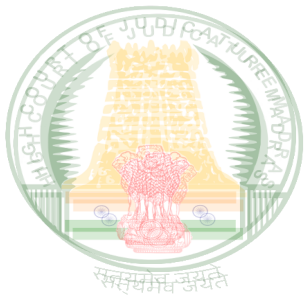


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4.6. The first and foremost condition that has been imposed through G.O.No.537 is that the Extension wing and the Research wing in the Department of Agriculture shall be functionally merged, however, the seniority and the service conditions of the staff of the Extension/Research wings, for the purpose of promotional opportunities, shall be continued in the respective existing cadre till the incumbents retire from service. Thereafter, there will be only one cadre which will take care of both Extension and Research activities in the Agriculture Directorate and the entry level post should be "Agricultural Officer" only. This important condition, as provided under G.O.No.537, has been implemented all along from 2007 till date.

4.7. The resultant position would be that, even though the Extension wing and the Research wing got merged functionally, insofar as the seniority in both these wings is concerned, it should be separately maintained, as has been hitherto maintained, because, each of these wings are governed by separate Service Rules.



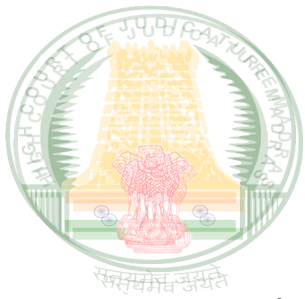
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4.8. In other words, the *inter se* seniority among the incumbents in the Extension wing will be intact and it would not get changed. Like that, the *inter se* seniority in the Research wing would be intact and would not be changed. Therefore, whenever promotional opportunities are created to the next higher cadre, the posts which are earmarked for the Extension wing for promotional category will be filled up by the feeder category candidates of the same wing, that is the Extension wing.

4.9. For instance, if there are ten posts of Deputy Directors available in the Extension wing, all these ten posts would be filled up on the basis of seniority, maintained separately by the Extension wing. Suppose, the Extension wing candidates are seniors among themselves and comparatively, some of them are juniors to the Research wing candidates, unmindful of such seniority between these two wings, the seniors in the Extension wing alone would be considered and vice versa.

4.10. This pattern, having been followed for all these years, these kind of promotions have been given to Officers belonging to both the wings by issuance of various Government Orders from time

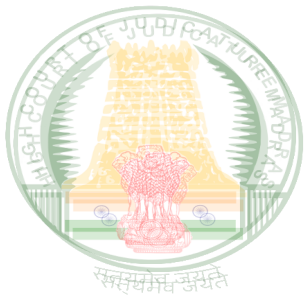


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to time. While that being so, insofar as the promotion for the Panel Year 2024-25, there are 32 posts of Joint Directors in Extension wing and 4 posts of Joint Directors in the Research wing and in order to fill up these vacancies and also to fill up the vacancies of 4 posts of Additional Directors in the Extension wing and 1 post of Additional Director in the Research wing, Panels were prepared among the eligible candidates from the feeder category based on wing-wise *inter se* seniority.

4.11. When this move was made, sensing the same, the respondents/writ petitioners, who all belong to the Research wing, working as Deputy Directors, approached this Court by filing the writ petitions separately with a prayer to issue a writ of mandamus to the appellant Department to consider the candidature of the respondents/writ petitioners also for the purpose of promotion to the post of Joint Directors, unmindful of the wing-wise *inter se* seniority. That means, if the Research wing Deputy Directors are senior to some of the Extension wing Deputy Directors, these Research wing Deputy Directors also shall be considered based on the *inter se* seniority among these two wings. That was the case of the respondents/writ petitioners.



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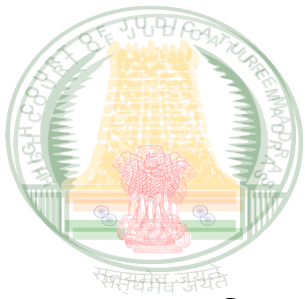
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4.12. With this plea, the respondents/writ petitioners approached the Writ Court and the Writ Court, while considering their case, ultimately allowed the said writ petitions by making the following directions:-

"11. In view of the above, the second respondent is directed to call for service particulars and confidential reports for preparation of panel for the promotion to the post of Joint Director of Agriculture from the wing of the petitioner viz., Deputy Director of Agriculture (Research) and communicate the same to the first respondent for preparing the panel for promotion to the post of Joint Director of Agriculture in order to maintain common seniority, within a period of two weeks from the date of receipt of a copy of this order."

4.13. By virtue of the directions issued in paragraph 11 of the impugned order, it became inevitable for the appellant Department to consider the candidature of the respondents/writ petitioners or any other persons placed similar to that of the respondents/writ petitioners, belonging to the Research wing, to be placed in the Panel for promotion to the post of Joint Director, unmindful of the wing they belonged.

4.14. Therefore, aggrieved over the directions issued by the learned Single Judge through the impugned order, these writ appeals have been filed by the appellant Department. That is how all these intra-Court appeals have come up for hearing before this



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Court and are disposed of by this common order.

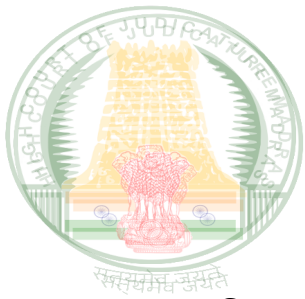
4.15. When some of the writ appeals came up for hearing before our predecessor Bench on 14.11.2024, the Division Bench has given the following interim orders:-

"9. We find merit and substance in the aforesaid ground raised by the appellants/State. Hence, there shall be an order of interim stay of the impugned order of the Single Bench for a period of eight weeks. It is made clear that the appellants shall proceed further with regard to promotion to the post of Joint Director of Agriculture as per paragraph 17(i) of G.O. (Ms.) No.537, supra. However, the same would be subject to the final orders to be passed in the writ appeals. Notice."

4.16. By virtue of this interim order, as stay was granted against the order impugned of the Writ Court and the appellant Department was permitted to proceed further with regard to the promotion to the post of Joint Director of Agriculture as per paragraph 17.1 of G.O.No.537, the appellant Department proceeded to complete the promotion process, thereby, the post of Joint Directors, that is 32+5 as stated *supra*, has been filled up by way of promotion.

II. Case of the Research wing Officers:-

5.1. In this context, *Mr.V.P.Sengottuvel*, learned Senior

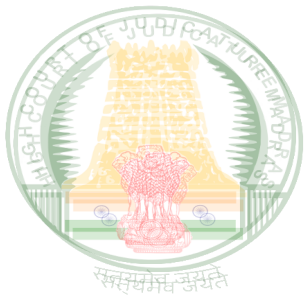


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Counsel appearing for the respondents/writ petitioners filed a comparative chart between Deputy Directors, belonging to these two wings, wherein, he is able to demonstrate that these 35 incumbents, presently working as Deputy Directors (Research), initially entered into service as Agricultural Officers in the years 1990 or 1991 and they have got promoted to the post of Deputy Directors (Research) in the year 2016/2017/2018 and some of them in 2019 and March, 2020. Whereas, in respect of the 21 candidates belonging to the Extension wing, who entered into service as Agricultural Officers in the year 1993, got promoted to the post of Deputy Directors in the year 2020 or 2021.

5.2. Therefore, it is the strong case on the part of the respondents/writ petitioners, as projected by the learned Senior Counsel, that from the entry level, till date, the seniors who belong to the Research wing have not been considered for promotion to the next higher post, that is Joint Director of Agriculture, and these kind of promotional activities undertaken by the appellant Department, ignoring the overall seniority of the Research wing would go or run against the basic facet of jurisprudence that seniors should be considered for promotion, if it is purely a promotional post.



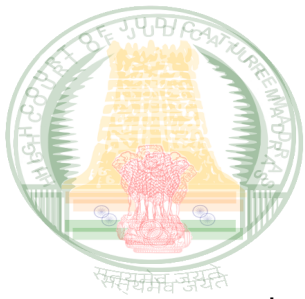
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5.3. It is the further contention of the learned Senior Counsel appearing for the respondents/writ petitioners that these incumbents, though originally belong to Research wing, by virtue of the functional merger of these two wings vide G.O.No.537 from 2007, they have been working in the Extension wing. Therefore, experience wise also, these incumbents have rich experience in both the wings and also they are seniors comparatively. Hence, in all fairness, their candidature should have been considered for promotion to the post of Joint Director of Agriculture, which, in fact, was directed by the learned Single Judge through the impugned order and hence, the learned Senior Counsel appearing for the respondents/writ petitioners prays not to show any indulgence against the order impugned and accordingly he wants to sustain the impugned order.

III. Case of the Appellants & Extension wing Officers:-

6.1. On the other hand, *Mr.M.Alagu Goutham*, learned Government Advocate appearing on behalf of the appellants, *Mr.Srinath Sridevan*, learned Senior Counsel and *Mr.L.Chandrakumar*, learned counsel appearing for the respective impleaded respondents, who belong to the Extension wing, would



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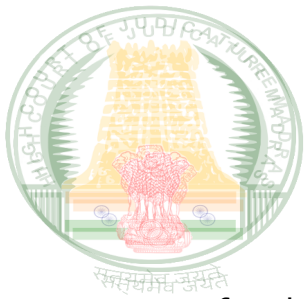
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make combined submissions that, insofar as the initial entry to the Department by the Officers belonging to these two wings is by way of a separate entry and right from day one, these incumbents have been dealt with by two separate Service Rules as stated *supra*.

6.2. Two separate seniority lists, right from the beginning, are maintained and only for having a functional merger, G.O.No.537 was issued, where, very categorically, the Government has made it clear that the seniority and the service conditions of the staff of Extension/Research wing for the purpose of promotion opportunities shall be continued in the respective existing cadre till the incumbents retire from service.

6.3. Therefore, the very import of the policy decision, which has been reflected in G.O.No.537, according to the learned Government Advocate, the learned Senior Counsel and learned counsel, who support the case of the appellant, is that functional merger would noway alter the seniority, that is the *inter se* seniority, among the incumbents in a particular wing.

6.4. For instance, among 100 Officers, *inter se* seniority could be maintained, but noway, the *inter se* seniority could be merged



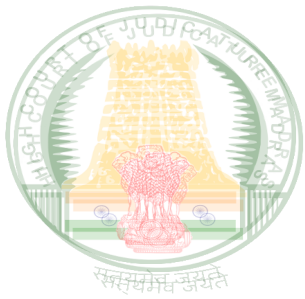
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for the convenience of the other wing, namely the Research wing.

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6.5. This since has been made clear in G.O.No.537 and based on the said Government Order, such functional merger since has taken place and was accepted by both the wings and based on such functional merger, since transfers have been given; postings have been given to both wings; these Extension wing Officers are posted at Research wing and vice versa and since this has been the practice for nearly seventeen years right from the year 2007, all of a sudden, this system cannot be changed or altered, that too detrimental to the Rule position, because their Services are still being governed by separate Service Rules.

6.6. The learned counsel and learned Senior Counsel appearing for the respective impleaded respondents and the learned Government Advocate would contend that, if the prayer sought by the respondents/writ petitioners is allowed or the directions issued by the learned Single Judge is accepted, that will run *contra* to the import of G.O.No.537, thereby, the very policy decision taken by the Government, which is reflected in paragraph 17.1 of the said Government Order, would get upset.



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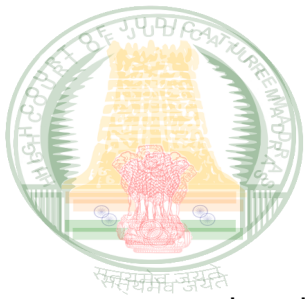
6.7. More over, the import of G.O.No.537 has never been questioned by anyone so far and this Government Order and its import, having been accepted by both wings, has been acted upon. Hence, at this length of time, rethinking the decision taken by the Government in G.O.No.537 would not arise at all. Hence, the learned counsel and the learned Senior Counsel appearing for the respective impleaded respondents, as well as the learned Government Advocate, would seek indulgence of this Court to set aside the impugned order, including the directions that have been issued by the Writ Court through the impugned order.

IV. Observations of this Court:-

7. We have given our anxious consideration to the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8.1. In fact, the import of G.O.No.537 had come up for consideration before the Single Bench of this Court, where one of us (RSKJ) had an occasion to consider a connected issue in the matter of ***L.Sankararaaj and Anr. vs. The Agricultural Production Commissioner and Anr.***¹, where, the Writ Court, by its order

¹ W.P.(MD)Nos.11638 & 11640 of 2011

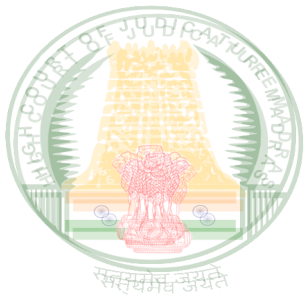


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dated 15.02.2017, has found the following:-

"24. That is the reason why for the year 2009-2010, two different Government Orders were issued. One is that G.O.(Ms).No.286 dated 08.12.2009, whereby 33 persons belonging to the Extension wing had been given promotion as Joint Directors. Like that, through G.O.(Ms.)No.37, dated 26.02.2010, four persons belonging to the Research wing had been given promotion as Joint Director of Agriculture. Like that, for the year 2010-2011, again two separate G.Os. were issued. One G.O.(Ms.) Number is 190, Agricultural Department dated 31.08.2010, whereby 34 persons had been given promotion in Extension Wing for the post of Joint Directors. Whereas, another G.O.(Ms.)No.296 of 2011 dated 06.12.2010 were issued, whereby three persons belonging to Research Wing had been given promotion to the post of Joint Director. Therefore, in view of these G.Os., having been issued, whereby number of persons, to the post of Joint Director, had been given promotion at various point of time and all these promotions were acted upon, no different interpretation than the one, as has been clarified at para No.9 of the counter affidavit filed by the respondents, can be given in respect of the import of Para-3 of the G.O.(Ms)No.163. Therefore, such question raised

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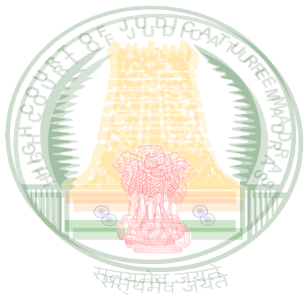


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*on behalf of the petitioners through their counsel,
is liable to be rejected and accordingly, the same
is rejected.”*

8.2. In the said **L.Sankararaaj** case (cited *supra*), the issue was that, the writ petitioners therein were originally appointed as Agricultural Officers (Extension) and subsequently, willingly, switched over to the Research wing. That was accepted and they had been working as Agricultural Officers (Research) and subsequently, when promotional opportunities came, they sought to get the seniority in the Extension wing instead of the Research wing for the reason that the number of posts in the Research wing were comparatively less.

8.3. That was the issue raised before the Writ Court in the said matter. While considering the same, one of us (RSKJ) in the said judgment dated 15.02.2017, found that G.O.No.537 has been fully acted upon, at least two times the said promotions have been awarded separately for the Officers belonging to both the wings, that is the years 2009-10 and 2010-11. Therefore, the plea raised by the writ petitioners in those case was liable to be rejected and accordingly, the same was rejected.

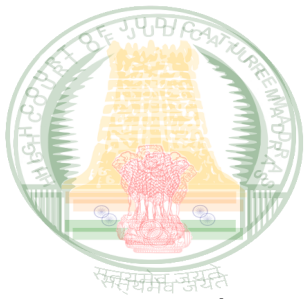


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9.1. The same position has again come up before this Court in this batch of writ appeals also. The reason being that, G.O.No.537, which was issued in the year 2007, has never been questioned by any of them till date. In fact, the import of G.O.No.537, having been accepted, was acted upon with the inherent concurrence of the incumbents belonging to both wings. Since promotions have been awarded right from the year 2009-10, till date and in each time, the promotions have been given based on the wing-wise seniority and at no point of time, the point of *inter se* seniority between these two wings has been raised.

9.2. When that being the position, it cannot be stated at any stretch of imagination that the Government or the Department of Agriculture, while preparing the Panel for promotion to the post of Joint Director of Agriculture, violated the *inter se* seniority. Even though if some of the Deputy Directors working in the Research wing and who had been shifted to the Extension wing also, by virtue of the merger from the year 2007, and have earned rich experience in both these wings or are seniors to the Deputy Directors of the Extension wing, that would not *ipso facto* give any credence to the



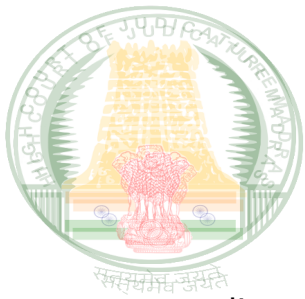
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incumbents of the Research wing to seek *inter se* seniority for the purpose of promotion.

9.3. This is the position which alone could emerge if we read the very first condition imposed in paragraph 17 of G.O.No.537. The reason being that, the terms "*the seniority and the service conditions of the staff of the Research / Extension wing for the purpose of promotional opportunities shall be continued in the respective existing cadre till the incumbents retire from service*" has made it abundantly clear that, at no stretch of imagination, till their services come to an end by way of superannuation of such persons who have already entered into service prior to the issuance of G.O.No.537, the seniority maintained by these two separate wings would be maintained intact and that would never be merged or compromised.

9.4. When that being the very core condition imposed by the Government while implementing the functional merger of these two wings, the said condition cannot be expected to be violated, merely because some of the senior incumbents could not get promotion. Therefore, the reasoning given by the Writ Court while issuing such

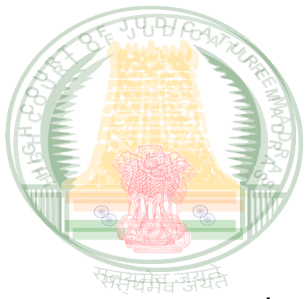


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directions, by allowing the said writ petitions through the impugned common order, that *"no juniors to the writ petitioners' wing or other wing are allowed to supersede or overlook the seniority for promotion to the posts of Assistant Director and Deputy Director of Agriculture and the Government Order is very clear that the posts of Assistant Director (Agriculture)/Assistant Director (Horticulture) in all the Directorates will be filled up by promotion from the cadres of Agricultural Officer/Horticultural Officer/Agricultural Officer (Research) taken together and by following common seniority based on the date of their regularization in the entry level posts as a one time measure"* is a misconception on the issue.

9.5. Even though the learned Single Judge has referred to paragraph 10 of G.O.No.537, that would not confer any advantage or right on any of the incumbents, who belong either to the Extension wing or the Research wing, to seek seniority, that is *inter se* seniority, between the two wings. As such, the *inter se* seniority among these two wings has never been merged and it has been stated in paragraph 10 of the Government Order that transfers would be made to either wings and the merger would not affect the seniority, promotional prospects and the service conditions of each



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cadre.

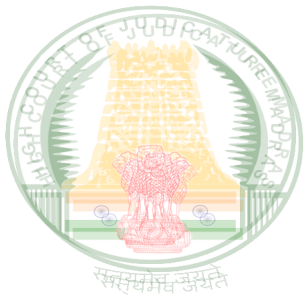
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V. Conclusion:-

10.1. Therefore, we are not in agreement with the reasoning given by the Writ Court, as well as the conclusion arrived at by the learned Single Judge through the impugned order for all the reasons we have discussed herein above.

10.2. We are also informed that pursuant to the interim order passed by our predecessor Division Bench by the order dated 14.11.2024 as well as on 19.11.2024, the appellant Government/Department of Agriculture has completed the process of giving promotion to 32+5, wherein 32 posts for Extension wing and 5 posts for Research wing and such promotional orders have been issued on 19.11.2024, which have also been placed before this Court for our perusal.

10.3. Pursuant to the promotional orders, all the promotees have joined in the promotional posts and they have been working. Therefore, the order impugned herein certainly would be erroneous and hence, is liable to be interfered with at our hands. Resultantly, the impugned common order stands set aside.



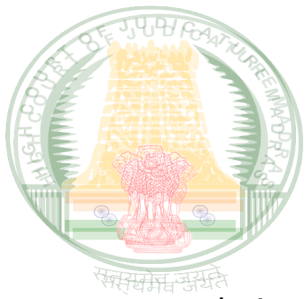
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11.1. Though the claim now made by the respondents/writ petitioners in this batch of *lis* has been denied by virtue of allowing these writ appeals and the promotees, who belong to the Extension wing, have also been given promotion to the post of Joint Director of Agriculture, the fact remains that many of these incumbents belonging to the Research wing are seniors to the Officers of the Extension wing.

11.2. The Government cannot be short of sight on these facts which are always sighting at them. The reason being that, the very purpose of bringing G.O.No.537 itself is to give a functional merger to utilize the services of the Officers belonging in both the wings. By virtue of that, the Officers of the Research wing have been inducted into the Extension wing and they have also been working in the Extension wing for several years. Thereby, the very rich experience can be claimed by both the wings, as they have worked in both wings.

11.3. Especially, the Officers of the Research wing, more in numbers, have been working in the Extension wing. When that



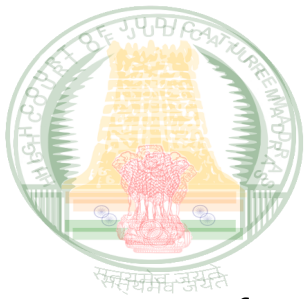
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being so, their expertise shall be best used by the Agriculture Department, but, when promotion is opted for higher posts, the seniority, being the prime criteria, cannot be given a go-by. Therefore, it is high-time for the Government of Tamil Nadu, especially the Agriculture Department, to come forward to rectify this anomaly by reviewing the policy decision taken in the year 2007, as reflected in G.O.No.537.

12.1. While reviewing the policy decision, it is also open to the State Government to fix a quota rota rule in cyclic form, between these two wings, namely the Extension wing and the Research wing. Depending upon the cadre strength of each of the wings, the quota rota rule can be fixed.

12.2. Suppose, in one particular Panel Year, the number of posts are very minimum or in single digit, the quota rota rule, to be fixed, may become incapable to implement. In that particular Panel Year, the cyclic system can be adopted. For instance, if the quota rota is fixed in 2:1 ratio and if there are only two Joint Director posts for a particular Panel Year, in cyclic system, it can be given to the Extension wing. For the next Panel Year, whatever the number



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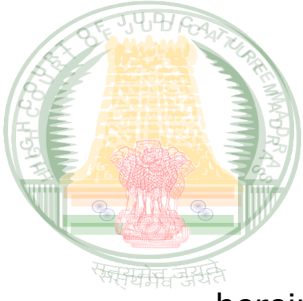
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of posts comes in the same cadre, in the cyclic system, the next post will automatically go to the Research wing. By thus, the 2:1 quota rota rule, by way of cyclic system, can easily be implemented.

12.3. If this system is adopted, it will certainly minimize or reduce the heartburns of both these wings, as the incumbents in the feeder category would get a chance of getting promotion in their respective wings itself. This can be made possible even till the last person who entered into service prior to the issuance of G.O.No.537 retire from service and thereby, the issue would be taken care of.

13. This suggestion of ours is expected to be taken in right sense by the State Government and the Department of Agriculture and if this is implemented, by making necessary amendments to G.O.No.537 or by issuance of a fresh Government Order before the next Panel Year, ie., for 2025-26, that would be widely appreciated by all concerned.

14. With these observations and suggestions to the Government, we allow these writ appeals to the terms indicated



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herein above. There shall be no order as to costs. Consequently,
C.M.P.Nos.33, 65 & 1192 of 2025 and 25558, 27654, 25581,
27655, 25524, 27656, 25949, 27657, 26352, 27659 & 27755 of
2024 are closed.

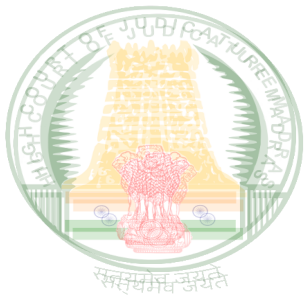
(R.S.K., J.) (C.S.N, J)
28.01.2025

Neutral Citation:Yes/No

drm

To:

1. The Agricultural Production Commissioner and
Principal Secretary to Government
Agriculture – Farmers Welfare Department
Secretariat, Chennai – 600 009.
2. The Director of Agriculture
Chepauk, Chennai – 600 005.



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R. SURESH KUMAR, J.
AND
C. SARAVANAN, J.

(drm)

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28.01.2025
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