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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.6293 of 2025

Dr.K.Mohamed Gani ... Petitioner

Vs.

1. The Principal Secretary,
Animal Husbandry,
Dairy Development and
Fisheries Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Servoces.
Saidapet Veterinary Polyclinic Campus,
Nandanam,
Chennai – 600 035. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the second respondent to ensure issuance of order promoting the petitioner on merit basis up to the cadre of Additional Director of Animal Husbandry and payment of arrears of pay and allowances as admissible corresponding to the promotion as sought in the petitioner's representation dated 17.02.2025.

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For Petitioner : Mr.M.Sheik Abdullah
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a writ of mandamus directing the second respondent to ensure issuance of order promoting the petitioner on merit basis up to the cadre of Additional Director of Animal Husbandry and payment of arrears of pay and allowances as admissible corresponding to the promotion as sought in the petitioner's representation dated 17.02.2025.

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

3. The case of the petitioner is that he joined the Tamil Nadu Animal Husbandry and Medical Department, as Veterinary Assistant Surgeon on 29.09.1982 and got promotion as Assistant Director on 20.12.2006. Later, he was promoted as Deputy Director on 31.03.2012. Thereafter he was promoted as Regional Joint Director on 04.09.2013. On 18.11.2024, he went on voluntary retirement of service while he was working in the post of Regional Joint Director.

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4. The grievance of the petitioner is that all promotions have been ordered to him on the basis of roster. But in the light of the judgment dated 18.04.2023 of the Apex Court in SLP (C)No.2886 of 2016, wherein it is held that seniority should be based on merits only. The petitioner submitted a representation on 09.10.2024 seeking to re-fix all his promotions based on merit. As it was not considered, again on 17.02.2025, he submitted another representation. Against the inaction of the respondents in considering his representation, the petitioner is constrained to file this writ petition.

5. Considering the fact that the relief sought for in this writ petition is with regard to consideration of his representation dated 17.02.2025, in my considered view, it is appropriate and reasonable to dispose of the writ petition at the stage of admission with consent of both sides without going into the merits of the case with a direction to the second respondent to consider his representation dated 17.02.2025 and pass orders in accordance with law to meet the ends of justice.

6. Accordingly, this writ petition is disposed of with a direction to the second respondent to consider the representation dated 17.02.2025 of the

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petitioner in accordance with law within a period of six weeks form the date of receipt of a copy of this order.

There shall be no order as to costs.

10.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM

To:

1. The Principal Secretary,
Animal Husbandry,
Dairy Development and
Fisheries Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Servoces.
Saidapet Veterinary Polyclinic Campus,
Nandanam,
Chennai – 600 035.

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BATTU DEVANAND, J.

CM

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