



W.P.(MD)No.16023 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.16023 of 2019

M.Rajendran

... Petitioner

Vs.

1.The Agriculture Production Commissioner &
Principal Secretary to Government
Agriculture Department,
Fort.St.George, Chennai-600 009.

2.The Director of Horticulture &
Plantation Crops
Chepauk – Chennai-600005.

3.K.Revathi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 & 2 herein to promote forthwith the petitioner as Deputy Director of Horticulture as per GO.Ms.No.51 (Agricultural (AAI) Department dated 28.02.2018 with all monetary benefits within a reasonable time as may be specified by this Court.

For Petitioner : Mr.E.V.N.Siva

For R1 & R2 : Mr.K.R.Badurus Zaman,
Government Advocate



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ORDER

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This writ petition has been filed to direct the respondents 1 & 2 herein to promote forthwith the petitioner as Deputy Director of Horticulture as per GO.Ms.No.51 (Agricultural (AAI) Department dated 28.02.2018 with all monetary benefits within a time frame.

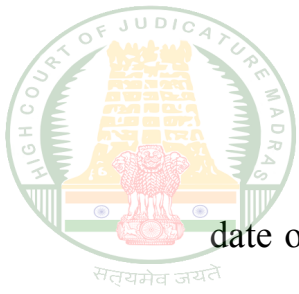
2.The case of the petitioner is that the petitioner was appointed as Agricultural Officer on 15.10.1984. He was deployed from Agriculture Department along with the post of Horticulture Department and posted as Assistant Director of Horticulture from 19.02.2008. The third respondent herein has filed a writ petition in W.P.(MD)No.3639 of 2018 seeking a direction to the respondents 1 & 2 to finalise and publish the seniority list to the post of Assistant Director of Horticulture. While so, with the approval of the State Government, state-wide seniority list among the Assistant Director of Horticulture and deployed Assistant Director of Agriculture was published by the second respondent vide proceedings dated 19.02.2018, wherein the petitioner was placed in Sl.No.72 and the third respondent herein was placed in Sl.No.101. In pursuance to the above, the State Government vide GO.Ms.No.51 (Agricultural (AAI) Department dated 28.02.2018 published approved



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list of Deputy Director of Horticulture for promotion wherein his name was found in Sl.No.3. As such, he is entitled for promotion as Deputy Director of Horticulture as per the said government order. The third respondent herein filed a petition in W.P.(MD)No.5208 of 2018 challenging the above GO and obtained interim stay on 12.03.2018 and subsequently, the said writ petition came to be dismissed vide order dated 05.02.2020. In the meantime, the petitioner was retired from service on attaining superannuation on 31.01.2019. Thereafter, he sent fresh representation to the respondents 1 & 2 on 20.06.2019 seeking notional promotion as per GO.Ms.No.51 (Agricultural (AAI) Department dated 28.02.2018. The said representation is still pending before the respondents 1 & 2. No orders passed so far. Further, one Rasakumar, who was placed in Sl.No.1 in the approved list of Deputy Director of Horticulture for promotion, has filed a writ petition in WP.(MD)No.9532 of 2018 seeking notional promotion and the same was disposed of by this Court on 27.02.2023 with certain directions. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that one Rasakumar has filed a petition in W.P.(MD)No.9532 of 2018 seeking notional promotion as Deputy Director of Horticulture from the



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date of issuance of GO.Ms.No.51 (Agricultural (AAI) Department dated 28.02.2018 and this Court vide order dated 27.02.2023, issued direction to the petitioner therein to submit a fresh representation for claiming of notional promotion as Deputy Director of Horticulture and the present petitioner is place in Sl.No.3 in GO.Ms.No.51 and prays to pass similar orders.

4.The learned Government Advocate appearing for the respondents 1 and 2 would submit that similar writ petition is pending in W.P.No.8574 of 2019 before the Madras High Court.

5.The learned counsel appearing for the petitioner by opposing the same would submit that the said writ petition came to be filed by the petitioner when he was working as Assistant Director, Avinasi seeking seniority and re-draw the seniority list and there is no nexus between the said petition and the present petition.

6.This Court has considered the rival submissions made on either side and perused the available records.



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7.It is seen from the records that one Rasakumar, who was placed Sl.No.1 in the approved list of Deputy Director of Horticulture, has filed a writ petition in W.P.(MD)No.9532 of 2018 seeking notional promotion as Deputy Director of Horticulture from the date of GO.Ms.No.51, dated 28.02.2018. This Court vide order dated 27.02.2023, has issued the following orders:-

3.The learned counsel appearing for the petitioner would submit that it would suffice, if this Court permits the petitioner to make a fresh representation claiming notional promotion as Deputy Director of Horticulture.

4.The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5.Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, permits the petitioner to make a fresh representation claiming notional promotion, within a period of 12 weeks from the date of receipt of a copy of this order, in terms of G.O.Ms.No.51, Agricultural (AAI) Department, dated 28.02.2018, and if such representation is made by the petitioner, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. If he is found to



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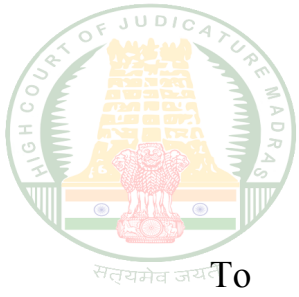
be eligible, the notional promotion shall be awarded to the petitioner.

8.The facts of the present case also similar to the above mentioned case. Hence, this Court is inclined to consider this writ petition. Considering the nature of the limited prayer sought for by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, permits the petitioner to make a fresh representation claiming notional promotion, within a period of 12 weeks from the date of receipt of a copy of this order, in terms of G.O.Ms.No.51, Agricultural (AAI) Department, dated 28.02.2018, and if such representation is made by the petitioner, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. If he is found to be eligible, the notional promotion shall be awarded to the petitioner.

9.With the above directions, this writ petition is disposed of. No costs.

NCC : Yes / No
Index : Yes / No
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To
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- 2.The Director of Horticulture &
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M.JOTHIRAMAN, J.

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