



W.A.(MD) Nos.1192 & 1193 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD) Nos.1192 & 1193 of 2017

W.A.(MD) No.1192 of 2017:

L.Sankararaaj

... Appellant

-vs-

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

2.The Commissioner of Agriculture
Chepauk, Chennai-600 005

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 15.02.2017, passed in W.P.(MD) No.11638 of 2011, on the file of this Court.

For Appellant : Mr.R.R.Kannan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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W.A.(MD) No.1193 of 2017:

M.Duraipandian

... Appellant

-vs-

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

2.The Commissioner of Agriculture
Chepauk, Chennai-600 005

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 15.02.2017, passed in W.P.(MD) No.11640 of 2011, on the file of this Court.

For Appellant : Mr.R.R.Kannan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

Under assail is the common order dated 15.02.2017, passed in W.P.(MD) Nos.11638 & 11640 of 2011.



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2. The short question that arises for consideration is whether the appellants herein are eligible for promotion with retrospective effect to the post of Joint Director in the respondent – Agriculture Department or not.

3. Learned counsel for the appellants made a submission that Extension Wing and Chemistry Wing in the respondent – Agriculture Department were merged and accordingly, a common seniority between the employees served in these two wings were published. These two wings of the Agriculture Department were merged on 07.01.2008 by the order of the Government. After merger, a common seniority list was published and admittedly, the appellants were promoted to the post of Deputy Director in the year 2008.

4. It is not in dispute that the appellants have not challenged either the promotion granted to them to the post of Deputy Director in the year 2008 or the Government Order merging the Extension Wing and Chemistry Wing in the Agriculture Department. Therefore, for all the purposes, the appellants have accepted the merger, common seniority list and the promotion given to them to the post of Deputy Director in the year 2008. The next promotion is to the post of Joint Director. List of eligible candidates is to be prepared based on the appointment of the candidates in the post of



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feeder category, which is the post of Deputy Director. In the present case, the appellants retired from service before reaching the zone of consideration for securing promotion to the post of Joint Director. Learned counsel for the appellants is unable to establish that any of the immediate juniors of the appellants in the common seniority list was promoted to the post of Joint Director before the date of retirement of the appellants. Therefore, the appellants have not made out any case for consideration of their grievance. The appellants filed the writ petitions during the fag end of their service claiming retrospective promotion to the post of Joint Director in the Agriculture Department.

5. Promotion *per se* cannot be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. All employees, who are fully qualified and aspiring to secure promotion, are to be considered for promotion whenever the process of preparation of panel is undertaken. The competent authorities are bound to follow the Promotion Rules in force strictly and by considering all the eligible candidates, who all are waiting for promotion.

6. In the present case, the appellants are unable to establish that either their seniority has been violated or the Service Rules applicable to the



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promotion has been violated. In the absence of any of these grounds, this Court does not find any reason to interfere with the impugned order, which is in consonance with the Service Rules applicable to the promotion.

7. Accordingly, these writ appeals are dismissed. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

04.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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