



W.P. Nos.35946-50416/2025 & 2987/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
26.02.2026 & 27.02.2026	03.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS 35946 & 50416 OF 2025

W.P. NO. 2987 OF 2026

AND

W.M.P. NOS. 40212, 56430, 56432 & 53763 of 2025

W.M.P. NO. 3349 OF 2026

Tamil Nadu Assistant Horticulture
Officers Association rep. By
President G.Murugan
1/135-A, 1st Main Road
Sri Karpaga Vinayahar Nagar
Vettuvankani, Chennai 600 115.

.. Petitioner in WP 35946 &
50416/2025

Tamil Nadu Horticultural Officers
Welfare Association, rep. By its
President P.Sivakumar
1/15-A, Sangothiyamman Koil Street
ECR Road, Uthandi, Chennai 600 119.

.. Petitioner in WP 2987/2026

- Vs -

1. The Agriculture Production Commissioner
& Secretary to Government
Agricultural Department
Secretariat, Fort St. George



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Chennai 600 009.

2. The Director of Agriculture
Ezhilagam, Chepauk
Chennai 600 005.

3. The Director of Horticulture &
Plantation Crops, Ezhilagam
Chepauk, Chennai 600 005.

.. RR-1 to 3 in all WPs

4. The Tamil Nadu Assistant
Agricultural Officers Association
Rep. By its President R.Arul
No.9/1, Thanikachalam Street
Thiruvallikeni, Chennai 600 005.
(R-4 impleaded vide order of court dt.
20.01.2026 made in WMP 1749/26)

.. R-4 in WP 50416/2026

W.P. No.35946/2025 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the 1st respondent in connection with the impugned Government Order issued in G.O. (Ms.) No.230, Agriculture – Farmers Welfare (AA 4(2)) Department dated 30.10.2023 and quash the same.

W.P. Nos.50416/2025 and 2987/2026 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the 1st respondent in connection with the impugned Government Order issued in G.O. (Ms.) No.252, Agriculture – Farmers Welfare (AA 4(2)) Department dated 30.09.2025 and the connected and consequential impugned



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government Order issued in G.O. (Ms.) No.288, Agriculture – Farmers Welfare
(AA 4 (2)) Department dated 28.11.2025 and quash the same.

For Petitioners : Mr. S.silambanan, SC, for
Mr. S.Rajendiran in WP Nos.
35946 & 50416/2025
Mr. V.Prakash, SC, for
Mr. M.Devaraj in WP 2987/26

For Respondents : Mr. M.Suresh Kumar, AAG
Assisted by Mr. S.J.Mohd.
Sathik, GA for RR-1 to 3
Mr.P.V.Balasubramanian, SC, for
Mr. G.Mutharasu for R-4 in WP
50416/2025

COMMON ORDER

The Government Orders, which have been issued in and by which the members of the petitioner, who are employed under the Horticulture Department, are mulcted with the task of discharging the work of the members of the Agriculture Department, the present writ petitions have been filed by the petitioners.

2. It is the case of the petitioners that the Department of Horticulture and Plantation Crops was established in the year 1979 for setting up of large scale orchards, particularly in the hilly regions of Salem, Dharmapuri, Madurai, Tiruchirappalli and the Western Ghats, including Ooty and Kodaikanal.



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3. Based on such establishment, a well equipped Directorate with well-staffed structure was formed and has been functioning ever since its establishment and it has also been playing an important role in uplifting the status of the farming community. Various Government Orders have been issued for strengthening the functioning of the department and a separate cadre and service conditions of the staff and officers were also prescribed. Very many schemes and activities are being implemented through the 3rd respondent and inspite of increase of responsibilities, the same is carried out by the limited personnel, who were sanctioned during the time of restructuring.

4. However, when such is the resultant position, the 1st respondent issued the impugned Government Order in G.O. Ms. No.230, whereby grave injustice is being caused to the Horticulture Department and its personnel, thereby adversely affecting their service conditions. It is the further averment of the petitioners that the said Government Order not only undermines the scope, objectives and developmental prospects of the Department, but also infringes upon the rights and interests of the technical staff serving therein and also poses a serious threat to their mental and physical well being.



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5. It is the further averment of the petitioner that when the aforesaid Government Order was challenged in W.P. No.35946/2025, the subsequent Government Orders in G.O. Ms. No.252 and 288 had come to be passed with some ornamental alterations but had not effaced the essence of the earlier G.O. Ms. No.230, which was put to challenge in W.P. No.35946/2025 and since the service conditions of the members of the petitioner Association is sought to be altered by the aforesaid Government Orders, which is alien to service jurisprudence, the present writ petitions have been filed by the petitioner.

6. Learned senior counsel appearing for the petitioners submitted that even as early as in the year 1982, this Court, in W.P. No.4306/1982, vide its order dated 21.7.1983, had held that it is impermissible to interchange personnel between the Agriculture and Horticulture Department and that it is inadmissible.

7. It is the further submission of the learned senior counsel that based on the above order, communication was addressed not to effect interchangeable transfer of AAOs between the Agriculture and Horticulture Department. It is the further submission of the learned senior counsel that though time and again, the



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Government had tried to interchange the personnel between the Agriculture and Horticulture Department, however, the same could not be fructified due to timely intervention by the Courts in the various petitions filed challenging such transfers.

8. It is the further submission of the learned senior counsel that the aforesaid Government orders are arbitrary, ultra vires, illegal and issued with an ill-motive to deprive the petitioner of its service benefits. It is the further submission of the learned senior counsel that the impugned Government orders would defeat the very purpose and objective for which the Horticulture Department was established.

9. It is the further submission of the learned senior counsel that the service conditions of the members of the petitioner are guided by a specific set of rules and the qualifications and syllabus are tailor made to the specific field of work. However, the impugned Government Order treats non-analogous courses of study as analogous and similarly equates non-analogous posts and duties with analogous ones, thereby creating a false equivalence. It is therefore the submission of the learned senior counsel that there is no possibility of



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interchange between the Agriculture and Horticulture Department and through the impugned Government Orders the respondents try to circumvent the service rules which govern the respective Department.

10. It is the further submission of the learned senior counsel that the impugned Government Orders overlook the distinct and separate Service Rules governing the two departments, which lays down provisions for appointment of personnel and their service conditions and one cannot be allowed to transgress the other, which would defeat the very purpose of the Service Rules.

11. It is the further submission of the learned senior counsel that the impugned order compels the members of the petitioner to perform duties in distinct and non-analogous areas of specialisation pertaining to a different department, which is contrary to the established principles of service jurisprudence. Further, the members of the petitioner are compelled to serve under multiple authorities, which is impermissible, as there should be specific chain of duties and responsibilities and clear authority in the chain of command and accountability.



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12. It is the further submission of the learned senior counsel that the staff of the Horticulture Department, which includes officers visit the designated village and have interactions with farmers, which are substantive and purposeful and if it on the agricultural front, the said officers would not be conversant with the same as they could only provide details with regard to horticulture and, therefore, without looking into all the aforesaid aspects, the Government Orders have been issued, which affects the proper functioning of both the agricultural and horticulture departments.

13. It is the further submission of the learned senior counsel that the Government Orders have been issued with ulterior motive, more particularly at the instance of the Agriculture Directorate, which has decided to appropriate by indirect means, a sizeable number of posts from the Horticulture Department in the cadre of Assistant Horticulture Officers under the pretext of attaching them to discharge work pertaining to the Agriculture Department for the purpose of increasing productivity.

14. It is the further submission of the learned senior counsel that the impugned Government Orders have been formulated without obtaining



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proposals or inputs from other relevant departments, including the Horticulture Department, the Agriculture Marketing Department and Agriculture Engineering Department, which is nothing but a clear case to favour the Agriculture Department and such act is an arbitrary exercise of power and the said approach is discriminatory and violative of Article 14 of the Constitution.

15. It is the further submission of the learned senior counsel that the staff members/officers of the Horticulture Department form a separate cadre from that of the Agriculture Department and transferring the work of the Agriculture Department to the members of the Horticulture Department is nothing but changing the cadre of the members, which is impermissible as the cadre of the employees are guided by the respective service rules. However, the present Government Orders have sought to interchange the cadre of the members of a particular service and, therefore, the Government Orders deserve to be set aside.

16. In fine, it is the submission of the learned senior counsel that the impugned orders are not only violative of the Constitution, but are also against the provisions of the respective Service Rules and, therefore, they deserve to be set aside by allowing the present writ petitions.



17. In support of the aforesaid submissions, learned senior counsel placed reliance on the following decisions :-

- i) *Mahindra Kumar Gupta & Or. – Vs – Union of India, Ministry of Petroleum & Natural Gas (1995 (1) SCC 85);*
- ii) *J.S.Yadav – Vs – State of Uttar Pradesh & Anr. (2011 (6) SCC 570; and*
- iii) *Prem Parveen – Vs – Union of India & Ors. (1973 SCC OnLine Del 194)*

18. Per contra, learned Addl. Advocate General appearing for respondents 1 to 3 and learned senior counsel appearing for the 4th respondent submitted that the petitioner has no *locus standi* to maintain a writ petition with respect to individual service matters unless a statutory right of the Association itself is infringed or the rules expressly confer such a right. In the present case, the petitioner having not established any such infringement, the writ petition cannot be maintained, that too, collectively to espouse the cause of individual workmen.

19. It is the submission of the learned counsel that the aforesaid Government Orders have been issued keeping in mind the necessity for giving better and timely solution to the needs of farmers. The Government Orders have



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not been issued curtailing the rights of the staff members of the particular department and all the rights and benefits, which the staff members would get from their respective department would stand protected and that it will not be restricted.

20. It is the further submission of the learned counsel that the Supreme Court in ***Dilip Kumar Garg & Anr. – Vs – State of UP & Ors. (2009 (4) SCC 753)*** has clearly held that the courts should not interfere with the functioning of the administration and in the present case, the Government Orders have been issued only for the betterment of the farming community as the area of the agricultural crop is 74% as against 26% for horticultural crops and, therefore, utilising the Horticultural staff for the purpose of highlighting the efficiency of the scheme to the farmers and vice versa was only for the benefit of the diversified farming community, which can cultivate multiple crops/agricultural crops such as cereals, pulses and millets as well as horticultural crops including vegetables, fruits, flowers and medicinal plants.

21. It is the further submission of the learned counsel that a farmer is a farmer irrespective of the type of farming, be it agricultural or horticulture



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undertaken by the farmer, as the functionaries of the two departments are being utilised to disseminate the use of technologies among the farmers and the manner in which efficient use of manpower and time and could be made.

22. It is the submission of the learned counsel that the aforesaid Government Orders are intended only for the said purposes to benefit the farming community. It is further submitted that the personnel in the Tamil Nadu Horticultural Subordinate Service are from Tamil Nadu Agricultural Subordinate Service and the nomenclature was only changed as Tamil Nadu Horticultural Subordinate Service due to formation of Special Rules in the Horticulture Department. The Assistant Horticultural Officers were previously named as Assistant Agricultural Officers and carried out the duties in the Agriculture Department and, there is no disparity in discharging their duties, be it in the agriculture or horticulture department.

23. It is the further submission of the learned counsel that the contention of the petitioner that the implementation of the Government Orders will result in cadre integration, merger of services or compel Horticulture personnel to function under the control of another department is wholly misleading and false



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as the impugned Government Orders would clearly reveal a coordinated mechanism for the effective implementation of farmer-centric welfare schemes and the mechanism devised by the Government is a well-structured mechanism wherein the farmers, field functionaries and the officers are all in a win-win situation.

24. It is the further submission of the learned counsel that the Government is duty bound to undertake and implement programs aimed at ensuring food and nutritional security including providing necessary technological, financial and institutional support to farmers and general public and only with a view to uplift the farming community, the present schemes were devised and the agricultural and horticultural staffs have been entrusted with the responsibility to take the schemes and the benefits thereon to the doorsteps for the farming community, including the technological betterment, which could be utilised in better farming practices.

25. In fine, it is the submission of the learned counsel that the Government Orders, in no manner seeks to change the cadre or the authority of the persons to whom the members of the service report; rather, it is only allotting work to the



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members of the Horticulture Department and the activity of the staff members of the Horticulture Department in no way changes, except benefiting the agriculturists and, therefore, no interference is warranted with the impugned Government Orders.

26. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record and also the decisions relied on, on behalf of the parties.

27. The short issue that crops up for consideration in the present writ petitions is –

Whether the utilisation of the services of the staff/officers of the Horticulture Department amount to change in cadre/service which would be against the service conditions that governs the staff/officers of the Horticulture Department.

28. The writ petitions have been filed by the petitioner Association and not by any aggrieved staff member of the service in the Horticulture Department.



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There is no specific averment which shows that the manner in which the petitioner Association is aggrieved by the Government Orders. Therefore, the respondents have rightly questioned the maintainability of the writ petitions. However, for the reasons which follow, this Court is not inclined to dwell deep into the issue of maintainability; suffice to add that the issue would be decided on the merits of the case rather than on the technicalities of the issue.

29. The main grievance canvassed on behalf of the petitioner is that the AAOs in the Horticulture Department are interchanged with the Agriculture Department and that they are made to do the work of the Agriculture Department. In essence, the cadre of the staff members of the Horticulture Department is sought to be made over to the Agriculture Department and, therefore, there is cadre change, which is impermissible according to the service rules governing the different departments.

30. The scheme envisaged under the aforesaid Government Orders relates to the contact between the farmer and the officers of the Agriculture/Horticulture Departments, which is for better improving the efficiency and productivity of the farmers. Though it is the stand of the petitioner



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that agriculture and horticulture are two different faculties and both require specialised training and education and one is not interchangeable with the other, there is no quarrel with regard to the said position. Agriculture and Horticulture are two different faculties relating to cultivation, but farming is a unified action, which is undertaken in both agriculture and horticulture. May be the manner in which farming is done may vary slightly, but farming is the predominant activity in both and the persons, who undertake the work are predominantly farmers. Therefore, differentiating agriculture and horticulture in terms of farming may not be proper and, therefore, if the scheme is floated and the officers of both the departments have been utilised for the purpose of educating the farmers and also providing them with support to increase their effectiveness and productivity, which in turn will have a lasting impact on the growth and sustainable development of the community, such an act undertaken by the Government cannot be said to be impermissible or against the provisions of the relevant service rules.

31. In this backdrop, this Court perused the Government Orders, which have been issued and which are put in issue before this Court through which the Horticulture officers as also the Agriculture Officers have been utilised to carry on



unified work of increasing the efficiency of the farmers and also to help the farming community, there is a clear cut prescription in the manner in which the utilisation of the officers of the two different departments have been planned to be undertaken.

32. In fact, there is a specific provision in the Government Orders, which make it necessary for creating a group for each taluk which is to be manned by the respective Assistant Director from both the Horticulture and Agriculture Departments. Therefore, the scheme clearly enumerates that the staff members and officers of both the departments will be put to work under their respective heads and that there is no transgression of work or the authority to whom they would be reporting. Therefore, whatever work that is entrusted to be performed by the said staff/officers relates to a farming activity, which squarely falls within the activity, which is to be undertaken by the said officers and the expert studies, which have been undergone by the said officers would not in any way affect the functioning of the said officers, when the scheme only envisages that better efficiency in handling technologies and upliftment of farming sector alone is the criteria under the scheme.



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33. The last of the contentions advanced on behalf of the petitioner relate to change in cadre and the non-application of the respective service law to the said cadre, which strikes at the service condition of the petitioners.

34. In this regard, a look at the Government Orders, which have been issued clearly shows that administrative directions have been issued governing the working conditions of the staff members of both the agriculture and horticulture department. A perusal of the same reveals that the service conditions, leave, salary, promotion, etc., of the staff members of the respective departments are safeguarded and have been retained with the authorities under the respective departments, meaning thereby, that there is no transgression of the responsibilities of one department by the other department. Therefore, the apprehension raised by the petitioners with regard to alteration of their service condition is clearly a misconceived notion.

35. Further, it is to be pointed out that based on intelligent differential, persons from two cadres can be allowed to discharge a particular work and there could be no embargo on adopting such a course so long as the different cadres are maintained in the same sphere without there being any transgression. In the



present case, the Government Orders clearly stipulates that the service conditions of the different cadres will remain the same and there will be no transgression and the authority to whom they report along with their service conditions relating to appointment, promotion, transfer would be the same and such being the specific case, the contention advanced on behalf of the petitioners cannot be countenanced and the decisions relied on, on behalf of the petitioners, which have been noted above, would not be of any benefit to advance the case of the petitioners.

36. The scheme that has been floated by the Government is for the betterment of the farming community, which would, in turn, lead to the betterment of the standard of living and livelihood of the common man and only with that object in mind, the scheme has been framed and the agriculture and horticulture departments, which are entrusted with the task related to farming have been roped in to train the farmers and make them utilise the beneficial technological innovations for better productivity. May be the number of staff in the agriculture department is much more than those in the horticulture department, but when the service sought to be done through the scheme envisaged in the Government Orders is one that squarely falls within the activity



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which is also being done by the Horticulture Department, merely because the farmers, who do agriculture have been sought to be equipped by the members from the horticulture department, it cannot be said that there is change in work and cadre, which is not what the Government Order reflects. May be the work turn out in the agriculture department is much more than what is done by the horticulture department due to the vast expanse of the lands in which agricultural activity is being undertaken. However, when the Government, as a policy decision, for the betterment of its citizen has crafted a scheme in and by which the farming community is targeted to be uplifted, this Court cannot scuttle the process by pricking holes in the scheme and make the same unachievable. What is sought to be done by the petitioner is only to put spokes in the wheels of proper movement of the scheme, which has been devised for the upliftment of the farmers. Therefore, this Court, for the reasons aforesaid, does not find any infirmity or perversity or arbitrariness in the Government Orders impugned herein and the said Government Orders are also not violative of Article 14 of the Constitution of India and, therefore, the same does not require any interference at the hands of this Court.



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37. In the result, all the writ petitions fail and, accordingly, the same are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes / No

GLN

To

1. The Agriculture Production Commissioner
& Secretary to Government
Agricultural Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Director of Agriculture
Ezhilagam, Chepauk
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3. The Director of Horticulture &
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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS.35946, 50416 OF 2025
AND
W.P. NO. 2987 OF 2026**

**Pronounced on
03.03.2026**



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