

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 21.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. Nos. 11485 of 2015 and M.P.No.1 of 2015

N.Mohammed Ismail

.. Petitioner

Vs.

The Deputy Director (incharge),
Horticultrual Department,
Perambalur.

.. Respondent

PRAYER: This petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Certiorari, to call for the records of the respondent pertaining to the order made in Proceedings Lr. A1/2639/09 dated 11.12.2014 and quash the same.

For petitioner : Mr. O.S.Thilak Pasumbadiar

For respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

This writ petition has been directed against the impugned order passed by the respondent, the Deputy Director, Horticulture Department passed in Lr A1/2639/09, dated 11.12.2014.

2.The petitioner was working as Assistant Agricultural Officer in Pudur, Tuticorin District and a show cause notice dated 14.10.2009 was issued under Rule 17(a) of the Tamil Nadu Government Employees (D & A) Rules, contending that during his tenure as Assistant Agricultural Officer, Andimadam, certain deficiencies were observed. The petitioner also submitted his reply dated 28.10.2009. Not satisfied with the explanation, an enquiry was conducted and it was held that the petitioner caused loss to the tune of Rs.4,23,000/- and the said sum was ordered to be recovered from the salary of the petitioner at the rate of Rs.4,233/- per month. Aggrieved against the same, the petitioner filed a Writ Petition in W.P. No.9232 of 2010. The said writ petition was allowed on the ground that the impugned order was a non-speaking order and the matter was also remitted back to the authority

concerned to pass a speaking order, after consider the explanation of the petitioner. Despite the same, the present impugned order has been passed.

3. A close reading of the impugned order shows that the respondent, Deputy Director, Horticulture Department, while dealing with each charge levelled against the petitioner, has given a separate finding. Therefore, this Court disagrees with the contention of the petitioner that there was no speaking order. I do not find any merit in the writ petition. The writ petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc/mmi
To

The Deputy Director (incharge),
Horticulatural Department,
Perambalur.

1 cc to Mr. O.S.Thilak Pasumbadiar ,Advocate, SR.No.22323

W.P. No.11485 of 2015

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