

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24017/2015

K.Govindaraj

... Petitioner

Versus

- 1.The Director of Agriculture
Chepauk, Chennai.
- 2.The Joint Director of Agriculture
Semmandalam [Gundusalai Road]
Cuddalore 607001.
- 3.The Assistant Director of Agriculture
Agriculture Extension Centre
Kammapuram 606108
Vridhachalam Taluk, Cuddalore District.
- 4.The Assistant Director of Agriculture
Agriculture Extension Centre,
Melbhuvanagiri 608601,
Chidambaram Taluk, Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider and accept the explanation submitted by the petitioner to the charge Memo of the 2nd respondent in N.A.4/12076/2013 dated 30.07.2013 allow him to retire and consequently direct the respondents to pay all the monetary, attendant and pensionary benefits with interest for the belated payment, after deducting a sum of Rs.67930/-+ Rs.31, 780/- [totally Rs.99710/-] admitted by the petitioner in his explanation.

For Petitioner : Mr.P.P.Shanmugasundaram

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as Depot Manager [Grade-II] in Bhuvanagiri, was placed under suspension on 30.07.2013 under Rule 17[e] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, 1954. As the petitioner was reaching the age of superannuation,

the 2nd respondent, vide proceedings dated 31.07.2013, issued orders not permitting the petitioner to retire from service and a charge memo was also issued, one day prior to the date of superannuation, i.e., on 30.07.2013, calling upon the petitioner to offer his explanation. The petitioner has submitted his detailed response dated 20.12.2013, stating among other things, that the charge are based on purely audit objection and he has not committed any acts of delinquency.

3.The petitioner was also called upon to offer his further explanation and accordingly, the petitioner has submitted his further explanation on 12.03.2015, giving consent to deduct a sum of Rs.67,930/- from his Gratuity account. It was also pointed out by the petitioner that the Assistant Director of Agriculture, by proceedings dated 19.05.2015, has also recommended for settlement for Rs.31,780/- in respect of the above said audit objection and the petitioner has also given his consent for deduction of the said amount also and the two amounts aggregating to a sum of Rs.99,710/-. The grievance expressed by the petitioner is that in spite of giving his no objection for deduction of the said amounts, no orders have been passed and the petitioner continue to languish under suspension. Hence, he came forward with this writ petition.

4.Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to take into consideration the two explanations submitted by the petitioner which was forwarded by the 3rd respondent to him, vide letter No.E1/3/2014 dated 13.03.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AP

To

1.The Director of Agriculture

<https://hcservices.ecourts.gov.in/hcservices/> Chennai.

2.The Joint Director of Agriculture
Semmandalam [Gundusalai Road]
Cuddalore 607001.

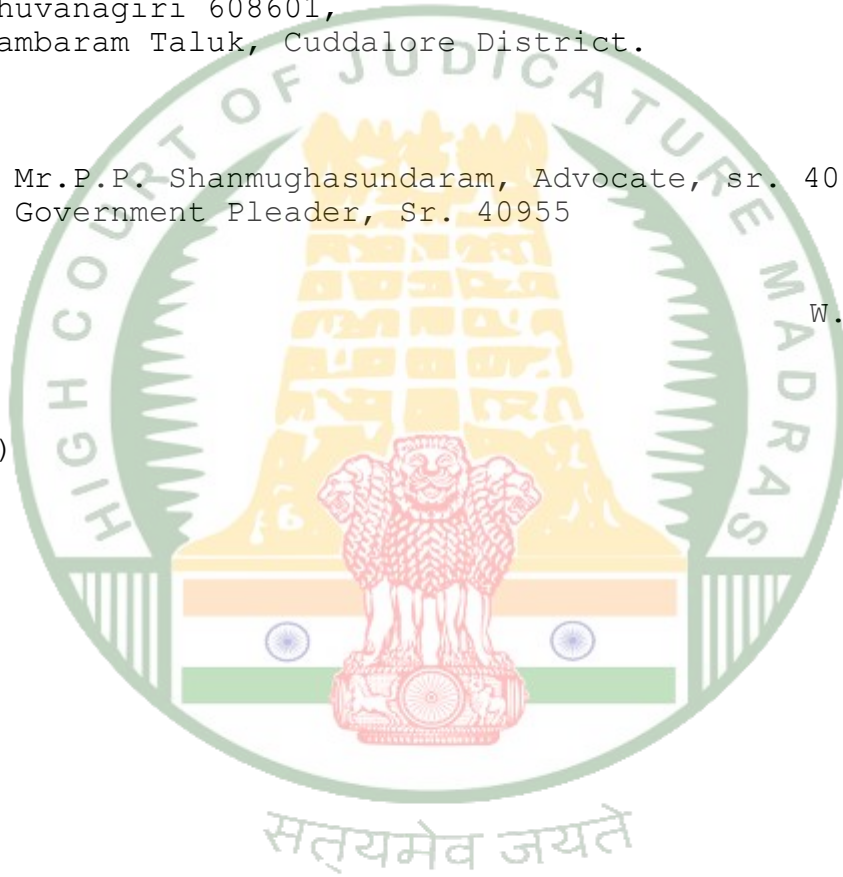
3.The Assistant Director of Agriculture
Agriculture Extension Centre
Kammapuram 606108
Vridhachalam Taluk, Cuddalore District.

4.The Assistant Director of Agriculture
Agriculture Extension Centre,
Melbhuvanagiri 608601,
Chidambaram Taluk, Cuddalore District.

1 cc to Mr.P.P. Shanmughasundaram, Advocate, sr. 40588
1 cc to Government Pleader, Sr. 40955

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TEJ (CO)
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