

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.26287 of 2015

V.Mathivanan

... Petitioner

Vs

1. The Secretary to Government
Agricultural Production Commissioner
and Secretary to Government
Agricultural Department
Fort St. George, Chennai 9.
2. The Director of Agriculture
Chepauk, Chennai 5
3. The Assistant Director of Agriculture
Nagapattinam

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose of the representation given by the petitioner on 28.7.2015, to refund the recovered amount of Rs.3,62,803/- as the Audit objection charges were not proved with regard to the said recovered amount, within a time frame.

For Petitioner : Ms.G.Sridevi

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2.The petitioner would state that he while working as the Agricultural Officer, was issued with an Audit Objection for the audit period 2001-2002, on 30.6.2002, by the Regional Accounts Officer (Audit), Pudukottai, and has sought for certain details and in the meanwhile, was issued with a charge memo under Rule 17(a) of

the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and the petitioner has also made a request to furnish certain documents. The petitioner would further state that the third respondent vide proceedings dated 5.1.2005, has ordered the recovery of Rs.3,62,803/- based on the audit objection and it was ordered to be recovered in 73 instalments, and since the petitioner's salary does not permit or cover the amount ordered to be recovered, necessary clarification has also been sought for from the Deputy Director of Agriculture, Tiruvarur, and in spite of it, the recovery order has been given effect to.

3.It is further stated by the petitioner that in respect of 52 charges framed against him, 32 charges have been found not proved and the petitioner was called upon to submit his further explanation, for which, he has also submitted a detailed response on 9.1.2015, and apart from that, he has also submitted a representation praying for refund of the recovered amount based on the enquiry report, and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the first respondent to consider the petitioner's representation dated 28.7.2015, in accordance with law, and pass orders thereon, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Agricultural Production Commissioner
and Secretary to Government
Agricultural Department
Fort St. George, Chennai 9.

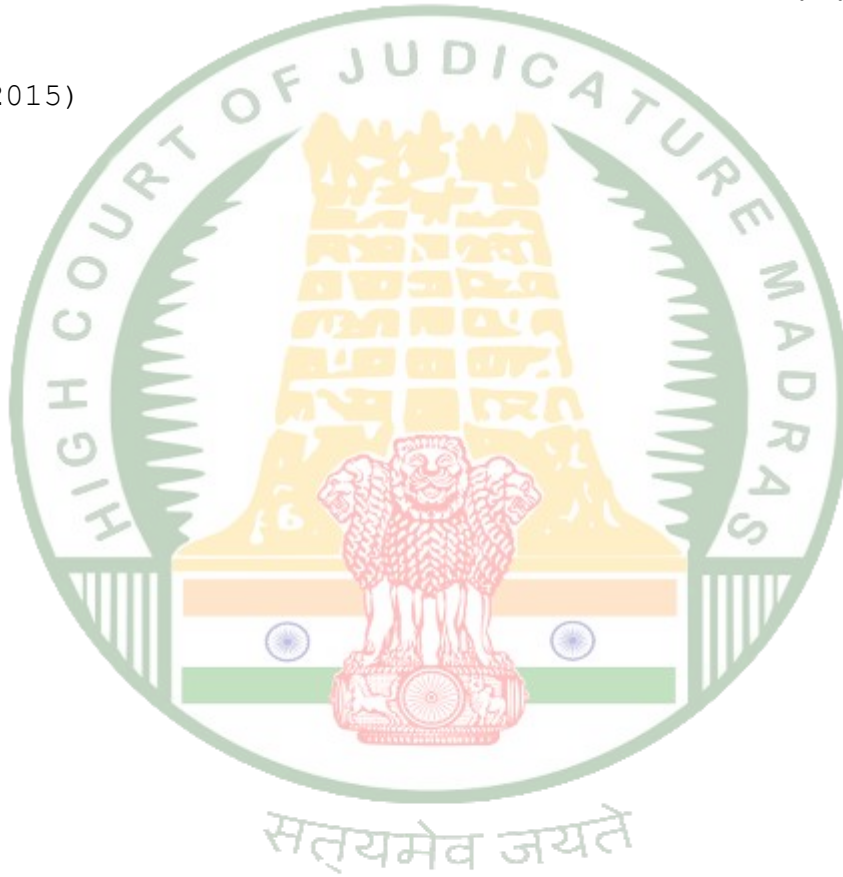
2. The Director of Agriculture
Chepauk, Chennai 5

3. The Assistant Director of Agriculture
Nagapattinam

+1cc to M/s.G.Sridevi, Advocate, S.R.No.44927
+1cc to the Government Pleader, S.R.No.45173

W.P.No.26287 of 2015

VD(CO)
CA(08/09/2015)



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