

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.02.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No. 2801 of 2015
& M.P.No.1 of 2015

S. Ram Mohan

...Petitioner

- Vs. -

The Agricultural Production Commissioner &
Principal Secretary to Government
Agricultural Department
Secretariat
Chennai-600 009.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the respondent relating to charge memo in Letter No.28448/AA8 (2)/2013-11, Agriculture (AA8) Department, dated 8 September 2014 and quash the same.

For Petitioner : Mr.M. Ravi

For Respondents : Mr.P. Sanjai Gandhi
AGP

ORDER

By consent, the writ petition is taken up for final disposal during the time of admission.

2. This writ petition is directed against the charge memo dated 8 September 2014 whereby and whereunder the respondent initiated disciplinary proceedings against the petitioner.

3. The charge memo is challenged primarily on the ground that the petitioner was not given the power to award marks in connection with the selection process of Assistant Agricultural Officers in Agricultural Department. The petitioner has also taken up a contention with regard to the delay in initiating disciplinary proceedings.

4. The respondent has only issued a charge memo to the petitioner calling upon him to submit his explanation. The petitioner has already submitted an explanation as early as on 20 October 2014. The respondent is yet to consider the explanation submitted by the petitioner and to take a decision as to whether further action should be taken in the matter. Therefore I am of the view that the writ petition is too premature.

5. The respondent is directed to consider the explanation submitted by the petitioner to the charge memo and to take a decision as to whether any purpose would be served by initiating disciplinary proceedings now. The respondent should also consider the prime contention taken by the petitioner that he was not given the work of awarding marks during the oral interview in connection with the selection process to the post of Assistant Agricultural Officers. The question of further proceedings to be taken in the matter would depend upon the orders to be passed by the respondent after considering the explanation submitted by the petitioner.

6. Since the petitioner is due to retire on 31 March 2015, on attaining superannuation, every effort should be taken by the respondent to dispose of the matter by considering the explanation as expeditiously as possible and in any case, on or before 9 March 2015.

7. The writ petition is disposed of with the above direction. Consequently the connected MP is closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

Tr/

To

The Agricultural Production Commissioner &
Principal Secretary to Government
Agricultural Department
Secretariat
Chennai-600 009.

1 cc to Mr.M. Ravi, Advocate, Sr. 6305

2 ccs to Government Pleader, Sr. 6349, 6374

W.P.No.2801 of 2015

GJ (CO)

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