

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.28402 of 2015
and M.P.Nos.1 and 2 of 2015
and
Writ Petition No.28403/2015
and M.P.Nos.1 and 2 of 2015

K.Selvamaran

.. Petitioner in
WP 28402/2015

A.Gandhi

.. Petitioner in
WP 28403/2015

vs

1.The Principal Secretary to
Government
Commissioner of Agriculture
Agriculture Department
Fort St. George, Chennai 600 009

.. 1st Respondent in
both writ petitions

2.The Revenue Divisional Officer
Dindigul District

.. 2nd Respondent in
WP 28402/2015

3.The Director of Agriculture
Chepauk, Chennai 600 005

.. 2nd Respondent in
WP 28403/2015

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records connected with the Government Letters No.3365/Ve.Ne.5/2005 - 24 and No.3365/Ve.Ne.5/2005 - 23 both dated 25.6.2013, passed by the first respondent and quashing the same and consequently directing the respondents to permit the petitioners to retire from service with all attendant benefits.

For Petitioners : Mr.S.Ilamvaludhi

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

COMMON ORDER

2.The petitioner in WP No.28402/2015, would state that he while working as the Village Administrative Officer, was visited with a Disciplinary Proceeding in the form of a Charge Memo on 3.6.2003, and has also submitted his explanation on 27.6.2003, and he was also placed under suspension on 18.5.2003, which was put to challenge in O.A.No.914/2004, on the file of the Tamil Nadu Administrative Tribunal, and it was quashed and the official respondents had filed W.P.No.20965/2004 challenging the said order, and the writ petition was disposed of with a further direction directing the official respondents to proceed with the Departmental Enquiry. The petitioner would further state that the Enquiry Officer has concluded the enquiry and submitted his report and the first respondent has also forwarded the same to the petitioner vide his communication dated 25.6.2013, and called for his further explanation and he has also submitted the same on 28.8.2013.

3.The petitioner in WP No.28403/2015, would state that he has joined the services of the Agriculture Department as Field Demonstrator on 12.12.1974, and was promoted to the post of Assistant Agricultural Officer and was visited with a Disciplinary Proceeding in the form of a Charge Memo dated 23.3.2004, and was placed under suspension and challenging the same, he filed O.A.No.915/2004 before the Tamil Nadu Administrative Tribunal and the suspension order was quashed and challenging the same, the official respondents filed W.P.No.20964/2004 and it was disposed of with a further direction to the respondents therein to conclude the Departmental Proceedings. He would further state that the Enquiry Officer has submitted his report and the first respondent has also forwarded the same to the petitioner so as to enable him to offer his further explanation and in response to the same, he has submitted his explanation on 21.8.2013.

4.The grievance expressed by the petitioners, is that though it was pointed out at the earliest point of time, that in terms of Rule 9(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, the Government is the only competent authority to proceed against the petitioners on the ground that two different department personnels are involved and it has not been taken cognizance and now only, the Government has chosen to send the enquiry reports calling for their explanation and that the Disciplinary Proceedings are unduly delayed for nearly 12 years and prays for quashment of the same.

5.The learned Counsel appearing for the petitioners, would submit that in the light of the above said infirmity coupled with the delay in concluding the Disciplinary Proceedings, the impugned charge memos are liable to be quashed.

6.Per contra, Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that the Disciplinary Proceedings have reached the advanced stage and therefore, at this juncture, it need not be quashed.

7.This Court has carefully considered the rival submissions and also perused the materials placed before it.

8.Though the petitioners prayed for a larger relief, this Court is of the view that the points urged in these writ petitions, may also be gone into by the Disciplinary Authority and therefore, not expressing any opinion as to the points urged by the learned Counsel appearing for the petitioners.

9.This Court, in the light of the facts and circumstances, directs the first respondent to conclude the Disciplinary Proceedings as expeditiously as possible and pass final 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 respective petitioners. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

- 1.The Principal Secretary to
Government
Commissioner of Agriculture
Agriculture Department
Fort St. George, Chennai 600 009
- 2.The Revenue Divisional Officer
Dindigul District
- 3.The Director of Agriculture
Chepauk, Chennai 600 005

nsv

+1 cc to Mr.S.Ilamvaludhi, Advocate, sr.49212
+2 ccs to Government Pleader, sr.49265 & 49256.

gj co
kra 18/09

W.P.Nos.28402 and
28403 of 2015

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