

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29031 of 2015

P.Thiagarajan

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary Agriculture &
Agricultural Production Commissioner
Agricultural Department Fort St.George
Chennai - 600 009.
- 2 The Commissioner of
Horticulture & Plantation Crops Chepauk
Chennai- 600 005. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders on the representation dated 19.01.2015 seeking finalization of disciplinary proceedings and that of retiral benefits including appropriate pension fixation thereto on merits and as per law and within a time to be stipulated by this Honourable Court.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.V.Subbiah
Special Government Pleader

O R D E R

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

2.The petitioner while working as Assistant Director of Horticulture was visited with disciplinary proceedings with regard to the three occurrences which took place between 2004 and 2005 relating to certain purchase of spurious neem cakes and adjustment of bills raised towards cocoa seedlings. It is stated by the petitioner that three departmental proceedings came to be initiated and it had ended in imposition of penalty of cut of Rs.200/- from pension for a period of six months, penalty of cut of Rs.400/- from pension for a period of one year and recovery of alleged loss of Rs.1,60,000/- from DCRG and the above said first two punishments have been accepted by the petitioner and insofar as recovery of alleged loss to the tune of Rs.1,60,000/-, he has submitted a representation dated 25.07.2014

seeking cancellation of the same as he was no way concerned with the said delinquency.

3.It is further stated by the petitioner that insofar as the third charge memo is concerned, the charge nos.1 and 2 held to be proved and the other charges were held to be not proved. The petitioner submitted further representation dated 01.08.2013 praying for dropping of further action and in the interregnum, the petitioner reached the age of superannuation on 31.08.2009 and the terminal benefits have been denied for the reason that disciplinary proceedings are still pending against him. The petitioner in this regard submitted representation dated 19.01.2015 to the second respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of prayer sought for by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 19.01.2015 on merits and in accordance with law and conclude the disciplinary proceedings and pass final orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The State of Tamil Nadu
Rep. by its Secretary Agriculture &
Agricultural Production Commissioner
Agricultural Department Fort St.George
Chennai - 600 009.
- 2 The Commissioner of
Horticulture & Plantation Crops Chepauk
Chennai- 600 005.

+1 cc to Mr.L.Chandrakumar, Advocate, sr.50529
+1 cc to The Government Pleader, sr.50553

ug co, kra 23/09

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