

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38826 of 2015

Kandasamy

... Petitioner

Vs

The Agricultural Production Commissioner and
The Principal Secretary to Government
Agricultural Department,
Secretariat, Chennai 600 009.

... Respondent

Prayer: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to forthwith consider and pass orders on the representation of the petitioner dated 26.10.2015 submitted to settle the Terminal and Pensionary benefits to the petitioner by revoking the order of suspension on par with Mr.S.Ram Mohan, Deputy Director (Administration), O/o.the Chief Engineer, Chennai - 35.

For Petitioner : Mr.S.Dakshinamoorthy

For Respondent : Mrs.M.E.Raniselvam
Additional Government Pleader

O R D E R

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

2. This writ petition has been filed for issuance of writ of Mandamus, directing the respondent herein to forthwith consider and pass orders on the representation of the petitioner dated 25.10.2015, by revoking the order of suspension on par with Mr.S.Ram Mohan, Deputy Director (Administration), O/o.the Chief Engineer, Chennai - 35.

3. The petitioner was appointed as Deputy Agricultural Officer on 12.03.1979 through the Tamil Nadu Public Service Commission in the Agriculture Department. Subsequently, he was promoted as Assistant Director in the year 2008 and as Deputy Director in the year 2011 and thereafter, he was promoted as Joint Director in 2014. While he was working as Assistant Director, he was nominated as one of the members in the Selection Committees constituted for selection of candidates to the post of Assistant Agricultural Officer. After lapse of four years, by G.O. (3D) No.J2, Agriculture (AA8) Department dated 28.01.2015, the petitioner was placed under Suspension and disciplinary actions were taken against him and 10 other members alleging that they were awarding excess marks to the candidates in the interview

4. The petitioner would claim that the enquiry officer submitted a report stating that the charges against the petitioner are not proved and in respect of other members also, similar report was filed.

5. The petitioner would state that in respect of one Mr.S.Ram Mohan, the respondent accepted the report of the enquiry officer and permitted him to retire from service by revoking the suspension by G.O.(D)No.262, Agriculture (AA8) Department, dated 22.09.2015. However, in respect of the petitioner, the respondent has not passed any orders and therefore, he made a representation dated 26.10.2015 for revoking the suspension and disburse the petitioner's terminal benefits. Since it was not considered, the present writ petition has been filed.

6. Heard Mr.S.Dakshinamoorthy, learned counsel appearing for the petitioner and Ms.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondent.

7. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 26.10.2015 in the light of G.O.(D).No.262, Agriculture (AA8) Department, dated 22.09.2015 and pass appropriate orders on merits and in accordance with law, 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.

With the above direction, this writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms

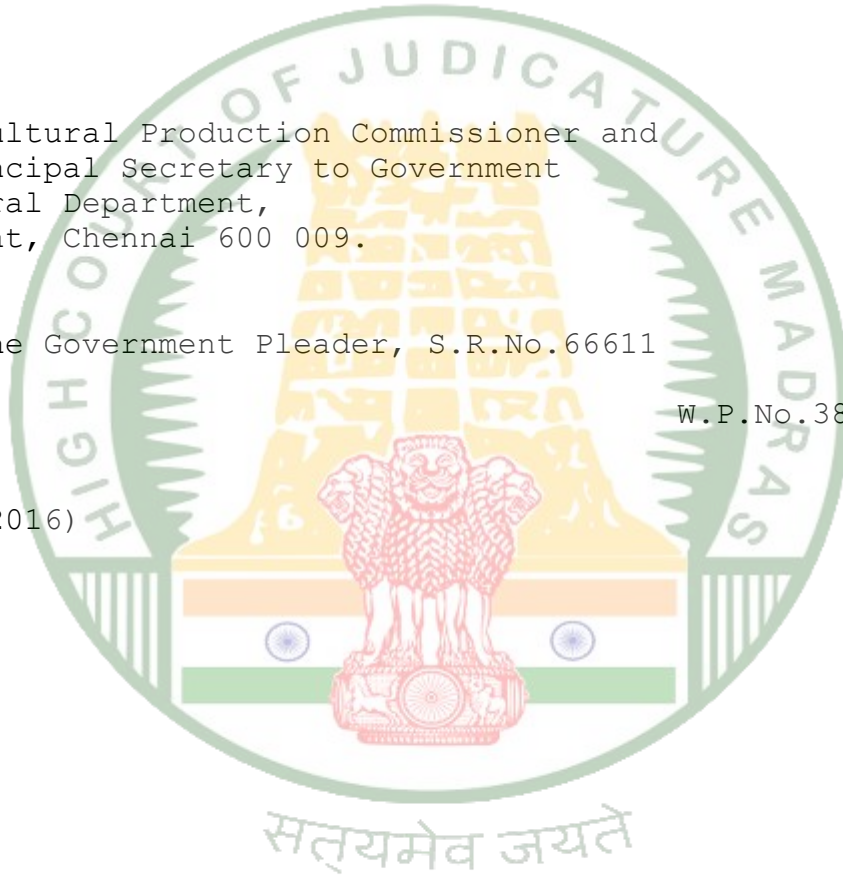
To

The Agricultural Production Commissioner and
The Principal Secretary to Government
Agricultural Department,
Secretariat, Chennai 600 009.

+lcc to the Government Pleader, S.R.No.66611

W.P.No.38826 of 2015

CTK(CO)
CA(06/01/2016)



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