



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2015

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.11650 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

K.Tamilvanan :Petitioner
vs.

- 1.The Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department, Secretariat,
Chennai -9.
- 2.The Commissioner of Horticulture and
Plantation Crops, Chepauk, Chennai - 600 005.
- 3.The Deputy Director of Horticulture,
The Enquiry Officer, Dindigul. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, calling for the records pertaining to the impugned enquiry report issued by the third respondent dated 30.5.2009 and the consequent show-cause notice issued by the first respondent in his proceedings in Letter No.8773/VeNi7/2015-1, dated 21.05.2015 and to quash the same.

For Petitioner :M/s.T.A.Ebenezer
For Respondents :Mr.R.Velmurugan
Govt.Advocate

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned enquiry report issued by the third respondent, dated 30.5.2009, and



the consequent show-cause notice issued by the first respondent, in his proceedings in Letter No.8773/VeNi7/2015-1, dated 21.05.2015 and to quash the same.

2. The case of the petitioner is that along with the show-cause notice, enquiry report has been given and that the enquiry report is a non speaking one and that this should Court interfere with and set aside the report of the Enquiry Officer.

3. The petitioner has been issued with a Show-cause notice, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules and the Enquiry Officer came to the conclusion that all the five charges are proved. Based on the enquiry report, a show-cause notice has been issued along with the enquiry report asking the petitioner to submit his explanation. If the petitioner has got any grievance over the enquiry report, it is open to him to submit an objection and the authority will have to take into account the objections while passing orders. The petitioner further submitted that the enquiry report has been furnished by means of a tabular column, run to about 5 pages and that it is total non application of mind. These are all the points to be canvassed by means of an explanation / objection to the show-cause notice, asking him to submit his objection within 15 days from the date of receipt of a copy of the notice. It is further contended that after eight years from the date of issuance of charge memo, proceedings have been initiated and concluded and there is a delay of eight years in completion of enquiry proceedings and hence, the entire report has got to be set aside.

4. A glance at the earlier order of this Court, dated 20.02.2014 in W.P(MD)No.2017 of 2014 makes it very clear that the petitioner has made a representation on 29.7.2014 and this Court directed the respondent viz., the Commissioner of Horticulture and Plantation Crops, Chepauk, Chennai, to conclude the enquiry proceedings against the petitioner for the charge memo, dated 17.12.2007, within a period of six



months from the date of receipt of a copy of this order. The enquiry proceedings have been concluded and the show-cause notice has been issued, calling for the objection on the enquiry report. I find there is no error in issuing the 2nd show-cause notice, asking the petitioner to submit his explanation / objection, on the enquiry report. If the petitioner got any grievance over the enquiry report, including the jurisdiction or the authority or the officer, who initiated action and concluded the proceedings, it is open to him to make his objection by submitting his explanation to the enquiry report. The said explanation shall be considered by the authority and orders shall be passed within one month from the date of explanation / objection to be filed by the petitioner. The petitioner shall file the explanation / objection within 15 days from the date of receipt of a copy of this order. If no explanation is filed within 15 days, it is open to the respondents to pass appropriate orders in accordance with law based on the available records for the charges said to have been committed, which form part of charge memo.

5. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department, Secretariat,
Chennai -9.



2.The Commissioner of Horticulture and
Plantation Crops, Chepauk, Chennai - 600 005.

3.The Deputy Director of Horticulture,
The Enquiry Officer, Dindigul.

+1cc to Mr.T.A.Ebenezer Advocate in Sr No.37836

+1cc to The Special Government Pleader in Sr No.38058

mpk

RJ 27.07.2015 4P/6C

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and

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