

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.17229 of 2014

R.Sarvesa Reddy

.. Petitioner

Vs.

The Commissioner
Horticulture &
Plantation Crops Department
Chepauk, Chennai -5.

... Respondent

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondent to pass orders within a stipulated time, upon the enquiry conducted on 29.7.2013 and 11.11.2013 based on the complaints made by the petitioner.

For Petitioner : M/s.P. Subba Reddy
For Respondent : Mr.P. Karthikeyan
Govt. Advocate

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ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondent.

2. This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to pass orders, upon the enquiry conducted on 29.7.2013 and 11.11.2013, based on the complaints made by the petitioner, on merits and in accordance with law, within the time frame, as may be fixed by this Court.

3. At this stage of the hearing of the writ petition, the learned counsel, appearing on behalf of the respondent had filed a counter affidavit, dated 18.3.2016.

4. Paragraph No.6 of the counter affidavit reads as under:-

"6. With reference to the averments made in Paragraphs 9 to 12 and the grounds of the affidavit, I submit that the respondent has requested the petitioner to appear for a personal hearing on 11.11.13 vide letter No.DAS2/5768/2013, dated 21.10.13. During the hearing, the petitioner herein was requested to bring specific cases/instances and not wild/bald allegations, against the officer mentioned. Thereafter no response from the petitioner was received in this regard. Again, a letter was also sent by Registered Post (R.P.No.A RT238586245IN) to remind the petitioner to submit anyone of the specific case in respect of the allegations made by him so as to take further action against Thiru.K. Periyasamy, the then Joint Director of Horticulture, Krishnagiri vide his letter No.DAS2/5768/13, dated 6.2.2014. However, even after a lapse of 6 months from the date of personal hearing with the Commissioner of Horticulture and Plantation Crops, and also after a lapse of more than 3 months from the date of reminder, no response received from the petitioner. Inasmuch as there is no specific case in respect of the allegations made by him, the respondent herein dropped the allegations made by the petitioner against Thiru.K. Periyasamy, the then Joint Director of Horticulture, Krishnagiri vide his orders dated 26.5.2014 and he was permitted to retire on superannuation on 30.6.2014. Instead, furnishing a specific case or to furnish the evidences in favour of his complaint made by the petitioner against Thiru.K. Periyasamy, the then Joint Director of Horticulture, Krishnagiri, has now filed this writ petition before this Hon'ble Court intentionally and purposefully of defaming name of the Director of Horticulture and Plantation Crops. I humbly submit that the representation of the petitioner, dated 2.4.2013 was also duly considered and enquiry has also been conducted on 29.7.2013 and 11.11.2013 by the Director of Horticulture and Plantation Crops. On the outset of the enquiry, it is revealed that the allegation made by the petitioner is baseless and unsustainable under law. Hence further action has been dropped."

5. In view of the above averments made in paragraph No.6 of the counter affidavit, this Court is of the view that no further orders are necessary.

The Writ Petition stands closed. No costs.

rnb

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

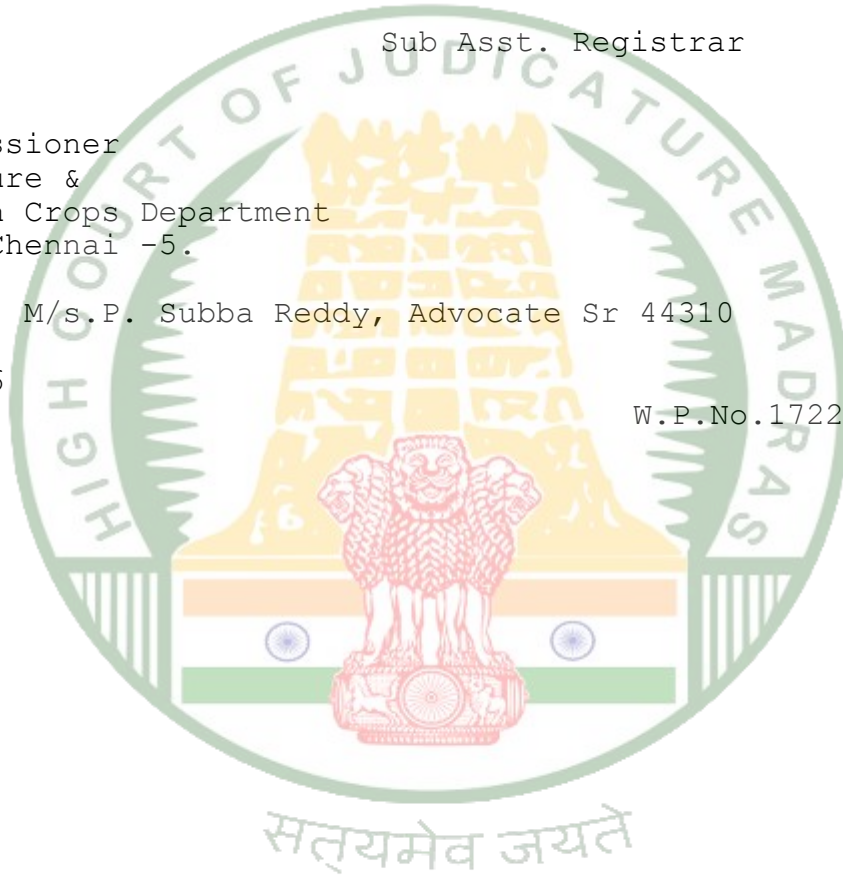
To

The Commissioner
Horticulture &
Plantation Crops Department
Chepauk, Chennai -5.

+ 1 cc to M/s.P. Subba Reddy, Advocate Sr 44310

KR/29/8/16

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