

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37650 of 2016

Dr.K.R.Ramesh

... Petitioner

Vs.

1. The Registrar,
Office of the Registrar,
Tamil Nadu Agricultural University,
Coimbatore 641 003.
 2. The Director of Research,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.
 3. The Dean,
Agricultural College and Research Institute,
Madurai - 625 104.
 4. The Professor & Head,
Department of Horticulture,
Agricultural College and Research Institute,
Madurai - 625 104.
 5. Dr.K.K.Suresh,
Dean, Forest College & Research Institute,
Mettupalayam.
 6. The Vice Chancellor,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.
- ... Respondents

(R6 impleaded as per order dated 04.11.2016 in
WMP No.32844 of 2016 in W.P.No.37650 of 2016)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the entire records in connection with the impugned order vide No.SO/(V & DP)/Complaint/Dr.K.R.R./AP/AC & RI/MDU/2015, dated 05.08.2016 passed by the 1st respondent and quash the same.

For Petitioner : Mr.A.Selvendran

For R1 to R4 & R6 : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

Seeking to quash the impugned order dated 05.08.2016 passed by the 1st respondent, the petitioner has come up with this Writ Petition.

2. According to the petitioner, he has completed Ph.D. in Forestry and presently working as an Assistant Professor (Forestry) in Dry Land Agricultural Research Station, Chettinad. Previously, he was working as an Assistant Professor in Horticulture Department in Agricultural College and Research Institute, Madurai.

3. It is stated by the petitioner that the Government of Tamil Nadu had formulated policies to popularize seedling and grafting of Neem and the 1st respondent/Tamil Nadu Agricultural University funded a project for studying the impact of climatic and edaphic factors on seed size variation in Neem trees. The 5th respondent/K.K.Suresh was designated as the project leader for a three year project from April 2014 to March 2017. In the meanwhile, the 5th respondent was transferred from Agricultural College and Research Institute, Madurai to Forest College and Research Institute, Mettupalayam and the petitioner was transferred to Agricultural College and Research Institute, Madurai on 24.03.2015 to look after the project started by the 5th respondent.

4. Before joining the project, the petitioner was taking classes for the 1st and 2nd year students and was allotted to do lab works. Over and above the said works, the petitioner was allotted the project started by the 5th respondent. When the petitioner initially joined the project, there were no reports available with him and hence, he asked the 4th respondent to hand over the full data, lab test reports and other reports and achievements made. Since the same was not available with the 4th respondent, he sent a letter dated 30.04.2015 to the 5th respondent directing him to submit all the reports to the petitioner. Even thereafter, no reports were sent by the 5th respondent to the petitioner. Since the project did not see any development, the 1st respondent insisted the 5th respondent to file a Report on the above said project, in which he was appointed as a project leader. Further, by a letter dated 02.07.2015, the 5th respondent was asked to tour the project site on 08.07.2015 and file his report.

5. The 5th respondent came to the Agricultural College and Research Institute, Madurai on 08.07.2015 for the sole purpose of identification of neem trees for the above said project. The petitioner also accompanied the 5th respondent on the instructions of the 4th respondent. According to the petitioner, the purpose of the tour by the 5th respondent was to identify the neem trees for the project, but the 5th

respondent, instead of doing the same, questioned the petitioner about the wilting of sandal saplings in a portion of the forest, which was not under the control of the petitioner. Hence, the petitioner asked the 5th respondent that the latter did not hand over the Report as per the 4th respondent's letter dated 30.04.2015 and therefore, he was not aware of the Sandalwood saplings.

6. Thereafter, based on the complaint of the 5th respondent dated 14.07.2015, a Memo dated 22.07.2016 was issued by the 1st respondent suspending the petitioner from service. The petitioner gave a detailed reply on 11.09.2015 to the said Memo and by proceedings dated 11.11.2015, the order of suspension was revoked by the 1st respondent. On 19.01.2016, a Charge Memo was issued by the 1st respondent framing three charges and by another proceedings dated 22.01.2016, the 1st respondent asked the petitioner a Questionnaire and the petitioner gave a detailed explanation and submitted the filled in Questionnaire. Without considering any of the objections of the petitioner, the 1st respondent issued a show cause notice dated 26.04.2016 to the petitioner as to why he should not be punished with reduction of pay for his alleged misconduct. In spite of his explanation to the said show cause notice, without considering the same, the 1st respondent, by his proceedings dated 05.08.2016 merely confirmed what he had stated in his show cause notice. Aggrieved by the same, the petitioner preferred an appeal on 06.09.2016 to the 6th respondent/Vice Chancellor, Tamil Nadu Agricultural University, Coimbatore and the same is pending. Hence, left with no other alternative remedy, the petitioner has approached this Court.

7. When the matter is taken up for consideration, learned counsel for the petitioner contended that the 1st respondent passed the impugned order without giving any opportunity of personal hearing to the petitioner. He pleaded that the impugned order passed by the 1st respondent may be quashed and the matter may be remitted to the 1st respondent with a direction to consider the explanation given by the petitioner.

8. In reply, learned Additional Government Pleader submitted that there is no need to quash the impugned order and that the appeal filed by the petitioner before the 6th respondent/Vice Chancellor, Tamil Nadu Agricultural University, Coimbatore, may be directed to be disposed of.

9. Taking note of the submissions made on either side, this Court is of the opinion that there is no need to quash the impugned order passed by the 1st respondent. However, this Court directs the 6th respondent/Vice Chancellor, Tamil Nadu Agricultural University, Coimbatore, to dispose of the appeal dated 06.09.2016 preferred by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

Till such time, the respondents are directed to maintain status quo.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.Nos.32275 & 32276 of 2016 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
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5. The Vice Chancellor,
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Coimbatore - 641 003.

+1cc to Mr.A.Selvendran, Advocate, S.R.No.64268
+1cc to the Government Pleader, S.R.No.64629

W.P.No.37650 of 2016

SM(CO)
CA(17/11/2016)