

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42736/2016

S.Prakash

..

Petitioner

Vs.

1.The Agricultural Production Commissioner
and Secretary to Government, Agriculture
Department, Fort St George, Chennai 600 009.

2.The Commissioner,
Tribunal for Disciplinary Proceedings
Coimbatore 641045.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to consider the representation of the petitioner dated 14.11.2016 by permitting him to retire from service on 27.02.2017 without prejudice to the pendency of TDP Case No.18/2011 on the file of the 2nd respondent herein in the light of similar orders issued in the case of similarly placed officials facing TDP Proceedings and to continue the proceedings under Rule 9-A of the Tamil Nadu Pension Rules, 1978.

For Petitioner : Mr.K.Govi Ganesan

For R1 & R2 : Mr.P.Chinnadurai, GA

ORDER

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

2 The petitioner would submit that he is working as the Assistant Engineer in the services of the Agricultural Engineering Department, Office of the Assistant Executive Engineer, Erode, from 04.07.2014 to till date and claim to have completed 31 years of hard and sincere, blemishless service to the satisfaction of the superior officers. It is further submitted that with regard to the implementation of the Micro Irrigation Scheme during the Financial Year 2003-2004, he was visited with the Disciplinary Proceedings in the form of Charge Memo in TDP Case No.18/2011 dated 02.09.2011 and he would also submit that though it was issued in the year 2011, the proceedings commenced only during 2015 and the delay is attributable to the non-posting of the Government Pleader

and the petitioner is fully cooperating to the expeditious disposal of the disciplinary proceedings. The apprehension expressed by the petitioner is that since he has to attain the age of superannuation on 28.02.2017, in the event of the disciplinary proceedings not concluded prior to that date, he is likely to be placed under suspension and his services can be extended and paragraph 6 of the affidavit filed in support of this writ petition, it is averred specifically that the persons similarly placed, viz., Tvl.K.n.Balan, S.Chandrasekar and P.Arumugam, and who were also facing disciplinary proceedings in TDP Case No.16/2011, were permitted to retire from service on superannuation, vide G.O. [3D] No.23, Agriculture [AA-8] Department, dated 31.01.2014 ; G.O. [3D] No.230, Agriculture [AA-8] Department, dated 31.07.2015 and G.O. [3D] No.108, Agriculture [AA-8] Department, dated 31.05.2011 and in the light of the same, prays for earlier conclusion of the Disciplinary Proceedings and in this regard, the petitioner has also submitted a representation dated 14.11.2016 to the 1st respondent and hence, prays for earlier disposal of the same.

3 Heard the submissions of the learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate who accepts notice on behalf of the respondents.

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 14.11.2016 on merits and in accordance with law and pass 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.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Agricultural Production Commissioner
and Secretary to Government, Agriculture
Department, Fort St George, Chennai 600 009.

2.The Commissioner,
Tribunal for Disciplinary Proceedings
Coimbatore 641045.

+1cc to M/s K.GoviGanesan, Advocate Sr.72111
+1cc to Government Pleader Sr.72223

WP.No.42736/2016

SKV (CO)

RVR 10/01/2017



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