



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

W.A.(MD).No.526 of 2016 &
C.M.P.(MD).No.3765 of 2016

- 1.The State of Tamil Nadu, Rep by its
Agricultural Production Commissioner and
Secretary to Government,
Agriculture Department, (AA II)
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Commissioner of Agriculture,
Chepauk,
Chennai-5.
- 3.The Joint Director of Agriculture,
Virudhunagar,
Virudhunagar District. .. Appellants/Respondents
versus

M.Sundararaj
Assistant Director of Agriculture,
Srivilliputtur .. Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent against the
order, dated 15.06.2011, made in W.P.(MD).No.8074 of 2010.

Prayer in WP(MD). 8074/ 2010 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a WRIT OF
CERTIORARIFIED MANDAMUS calling for the records relating to the
order passed by the 1st respondent placing the petitioner under
suspension in G.O.(3D)No. 55 Agriculture (AA II) Department dated
31.03.2003 and consequential order not permitting the petitioner
to retire from service on attaining superannuation in G.O.(3D)No.
56 Agriculture (AA II) Department dated 31.03.2003 on the file of
1st respondent and quash the same as illegal and consequentially
to direct the respondents to permit the petitioner to retire from
service on superannuation w.e.f. 31.03.2003 and pay all the
monetary and attendant benefits thereon.

For Appellant : Mr.AK.Baskara Pandian



JUDGMENT

(Judgment of the Court was made by S.MANIKUMAR ,J.)

Though Mr.A.K.Baskarapandian, learned Special Government Pleader, has assailed the correctness of the order, made in W.P. (MD)No.8074 of 2010, dated 15.06.2011, on various ground, this Court is not inclined to accept the same for the reason that the Writ Court has considered the orders passed in similar circumstances and accordingly quashed the charge memorandum issued after 10 years, from the date of the alleged incident.

2.Reference can also be made to the decisions of the Hon'ble Division Bench of this Court in **W.A. (MD)No.403 of 2012 (Agricultural Production Commissioner and Secretary to the Government, Agriculture (AA II) Department, Chennai and in W.A. (MD)No.1135 of 2012 (Special Commissioner and Director of Agriculture, Chepauk, Chennai and the Joint Directors of Agriculture, Madurai and Thanjavur)**, on the same issue, wherein orders of the learned Single Judge quashing the charge memorandums, issued to others, have been sustained.

3.Following the earlier orders, the instant appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The State of Tamil Nadu, Rep by its
Agricultural Production Commissioner and
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Fort St.George, Secretariat,Chennai-600 009.

2.The Commissioner of Agriculture,
Chepauk, Chennai-5.

3.The Joint Director of Agriculture,
Virudhunagar,
Virudhunagar District.

+1cc to the Government Pleader SR.NO.19489

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