



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No.24411 of 2016

M.Selvaraj

... Petitioner

-vs-

1. The Agricultural Production Commissioner and
Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.

2. The Director of Agriculture,
Chepauk,
Chennai-600 005.

3. The Joint Director of Agriculture,
Kattuthottam,
Mariamman Kovil Post-613 501.
Thanjavur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents i.e. the Agricultural Production Commissioner and Secretary to Government Agriculture Department, Chennai and the Director of Agriculture, Chennai to communicate the enquiry report sent by the Director of STAMIN, Kudumiyamalai, Pudukottai District as per his Lr.No.A/757/2016 dated 16.11.2016 within a specified time frame for submitting petitioner's further representation and further direction to the 1st and 2nd respondents to pass final orders on merits and in accordance with law on the above said enquiry report.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Raja Rajan
Govt. Advocate

O R D E R

This petition has been filed, seeking to direct the 1st and 2nd respondents to communicate the enquiry report sent by the Director of STAMIN, Kudumiyamalai, Pudukottai District as per his Lr.No.A/757/2016 dated 16.11.2016 within a specified time frame for submitting petitioner's representation and further direction to the 1st and 2nd respondents to pass final orders on merits and in accordance with law on the above said enquiry report.



2.The case of the petitioner is that he worked as Superintendent in the Office of the Joint Director of Agriculture, Thanjavur and his date of superannuation fell on 30.11.2016, but he was not allowed to retire from service and was placed under suspension, which is against the instructions issued by the Government in G.O.Ms.No.144 P&AR Department dated 08.06.2007; that though the enquiry officer has concluded the enquiry and sent his report to the 2nd respondent holding that the allegations levelled against the petitioner were not proved, the report was not communicated to the petitioner and that the petitioner sent a detailed representation dated 05.12.2016 to the 2nd respondent for taking a decision on the report as well as allowing him to retire from service and since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4.Once a representation has been received by the respondents, it is their bounden duty to decide the same in one way or the other. Therefore, the 2nd respondent is directed to consider the representation of the petitioner dated 05.12.2016 and to pass appropriate orders thereon within a period of two months from the date of receipt of a copy of this order on merits and in accordance with law.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To:

1. The Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.
 2. The Director of Agriculture,
Chepauk, Chennai-600 005.
 3. The Joint Director of Agriculture,
Kattuthottam,
Mariamman Kovil Post.
Thanjavur-613 501.
- +1cc to M/s.S.Visvalingam, Advocate in Sr No.83418
+1cc to the Spl.Govt.Pleader in SR No.83597