

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4370 of 2017

A.Krishnamoorthi

..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 641 045. ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent herein to consider the representation of the petitioner dated 06.02.2017 by permitting him to retire from service on 30.04.2017 without prejudice to the pendency of TDP case No.16/2011 on the file of the second respondent herein in the light of similar orders issued in the case of similarly placed officials facing TDO proceedings and to continue the proceedings under Rule 9-A of the Tamilnadu Pension Rules, 1978.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.R.A.S.Senthilvel

Additional Government Pleader

ORDER

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

2. The petitioner in the affidavit filed in support of the petition would aver among other things that he is working as Assistant Executive Engineer, Agricultural Engineering Department, Foreign Service) in the office of the Project Officer/Joint Director of Agriculture, District Watershed Development Agency, Erode from 09.07.2014 onwards. He would

further aver that he along with 5 others are facing disciplinary proceedings in TDP Case No.16/2011 pending on the file of the second respondent. He would further aver that in respect of similarly placed persons, the first respondent 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, respectively, directed them to retire from service on age of superannuation without proceeding to the disciplinary proceeding pending against them. The petitioner in this regard submitted a detailed representation dated 06.02.2017 to the first respondent through proper channel for appropriate orders permitting him to retire on the age of superannuation on 30.04.2017 with liberty to the disciplinary authority to continue proceedings under Rule 9-A of the Tamilnadu Pension Rules, 1978. Since the said representation is yet to be disposed of, the petitioner came forward to file this writ petition.

3. Mr.K.Govi Ganesan, learned counsel appearing for the petitioner has invited this court to the order dated 07.12.2016 in W.P.No.42736 of 2016, S.Prakash vs. The Agricultural Production Commissioner and Secretary to Government and another submitted that in similar facts and circumstances, this court directed the first respondent to consider and dispose of the representation of the petitioner and prays for similar relief.

4.Heard Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice for the respondents.

5. This Court considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the representation of the petitioner dated 06.02.2017 after taking note of the above cited government orders as well as the order passed by this court in W.P.No.42736 of 2016 and dispose of the same within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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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 641 045.

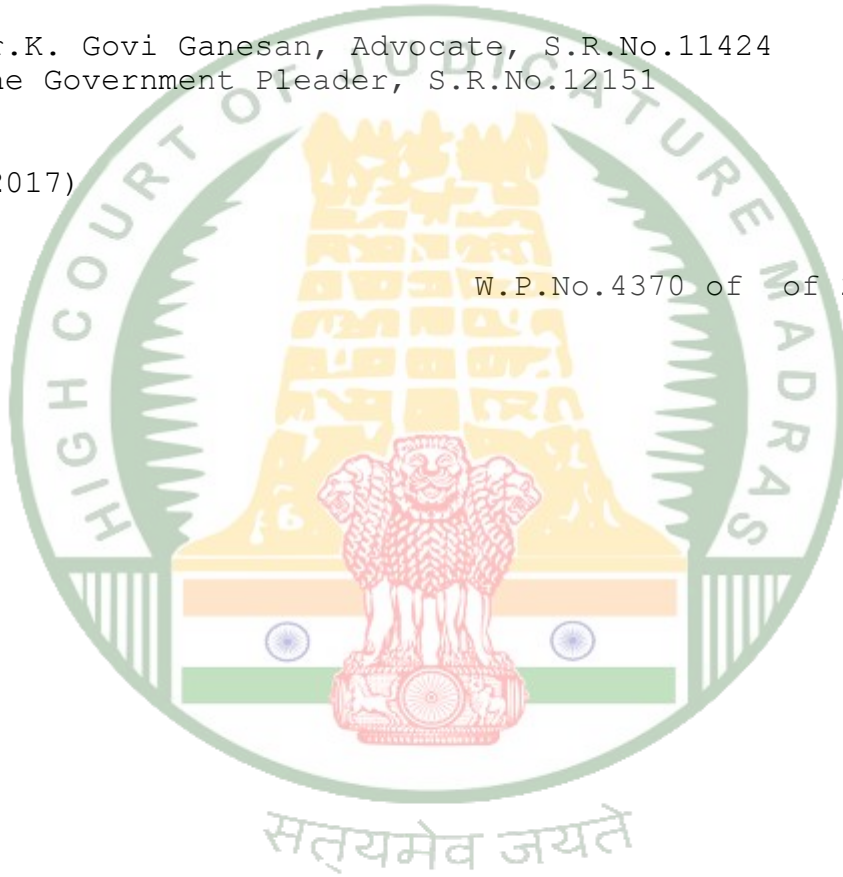
+lcc to Mr.K. Govi Ganesan, Advocate, S.R.No.11424

+lcc to the Government Pleader, S.R.No.12151

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md(02/03/2017)

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