

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. No. 13916 of 2017

K. Arumugam

..Petitioner

Vs.

1. Government of Tamil Nadu,
rep. by its Secretary,
Agricultural Department,
Fort St. George,
Chennai 600 009.

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

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the appeal dated 27.08.2016 preferred by the petitioner against the order of the 2nd respondent dated 22.07.2016 bearing Se.Mu.B.No.PON2(5)/97961/2006, on its merits and in accordance with law within a time frame stipulated by this Court.

For Petitioner :: Mr. Balan Haridas

For Respondents :: Mr.V. Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the appeal dated 27.08.2016 preferred by the petitioner against the order of the 2nd respondent dated 22.07.2016, on merits and in accordance with law within a time frame stipulated by this Court.

2. The petitioner joined the services of the respondent Department during the year 1968 as an Attender. During the year 2006, while he was working as a Depot Manager Grade II at Peranamallur and was due to retire on 30.06.2006, on attaining the age of superannuation, he was placed under suspension and a charge memo dated 29.06.2006 was issued on certain allegations of misconduct. The petitioner submitted his explanation to the

charge memo denying the charges. Thereafter, an Enquiry Officer was appointed and he concluded the enquiry and submitted his report to the respondents. However, the enquiry report was not furnished to the petitioner, which compelled him to approach this Court by way of writ petition in W.P.No. 29065 of 2013 and this Court, by order dated 28.10.2013 directed the respondents to pass final orders in the disciplinary proceedings initiated against the petitioner within a period of 12 weeks. As nothing happened, the petitioner issued a legal notice dated 18.04.2015, thereafter which, the 2nd respondent passed an order dated 22.07.2016 imposing the punishment of cut in pension for one year @ Rs.100/- per month and recovery of entire gratuity amount and also recovery of a sum of Rs.2,56,148/- from petitioner's pension @ Rs.2705/- for 94 months and Rs.1878/- in the 95th month. Aggrieved over the same, the petitioner preferred an appeal on 27.08.2016 to the 1st respondent and the same is pending till date. Hence, the present writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the 1st respondent may be directed to dispose of the appeal pending before him at an early date.

4. Mr.V. Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the respondents would submit that 12 weeks' time may be granted to enable the 1st respondent to dispose of the said appeal.

5. Considering the limited scope of the relief sought and the request made by the learned counsel for the petitioner, the writ petition is disposed of directing the 1st respondent to take up the appeal preferred by the petitioner dated 27.08.2016, pending on his file and pass appropriate orders, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
Agricultural Department,
Fort St. George,
Chennai 600 009.

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

+lcc to Mr.Balan Harida, Advocate in sr.no.40161
+lcc to Government Pleader in sr.no.40307

W.P. No. 13916 of 2017

NR 20/06/2017



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