

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2017

CORAM:

THE HON'BLE Mr. JUSTICE S.VAIDYANATHAN

Writ Petition No.25814 of 2017

& W.M.P.No.27247 of 2017

Mr. B.Lakshmanan,
Asst. Director of Agriculture,
Killvelur Block,
Nagapattinam District ... Petitioner

...vs...

1. The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai 600 009
2. The Director of Agriculture,
Chennai 600 005
3. The Joint Director of Agriculture,
Cuddalore District,
Cuddalore 607 001 ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the proceedings of the second respondent made in No.Pa.O.Na.2(1) 115915/2017, dated 13.09.2017, quash the same and consequently direct the respondents to grant all terminal and retirement benefits to the petitioner.

For Petitioner : Mr. S.Thirumavalavan
For Respondents : Mr. R.Sanjai Gandhi.

O R D E R

This writ petition has been filed by the petitioner seeking for the issuance of a Writ of Certiorarified Mandamus to call for the proceedings of the second respondent made in No.Pa.O.Na.2(1) 115915/2017, dated 13.09.2017, quash the same and consequently direct the respondents to grant all terminal

and retirement benefits to the petitioner.

2. The petitioner is working as Assistant Director of Agriculture at Kilvelur Block, Nagapattinam District. The second respondent, vide his proceedings, dated 13.09.2017 issued charge memo against the petitioner containing four charges. The said charges pertain to the Departmental Audit conducted during the years 1995 to 1998 and the State Trading Scheme Audit for other set of years. Having kept quiet for more than two decades, the respondents issued charge memo during the verge of retirement of the petitioner. The petitioner attains superannuation on 30.09.2017. It is the apprehension of the petitioner that, in view of the pendency of proceedings, the respondents may suspend the services of the petitioner on the date of superannuation. Hence, the petitioner has come forward with this petition.

3. This Court heard the submissions made by the learned counsel appearing for both sides and perused the materials available on record.

4. Admittedly, the petitioner has come forward challenging the charge memo and unless there are exceptional circumstances like that the charge memo has been issued by the incompetent authority or person having no jurisdiction or malafides raised and in violation of statutory rules, this Court cannot interfere with the charge memo. There is catena of judgments deprecating the practice of entertaining the writ petition questioning the charge memo. Hence, this Court finds no reason to interfere with the present charge memo.

5. Hence, this Court finds no merits in the writ petition and the same stands dismissed. The disciplinary proceedings have got to be proceeded with on day-to-day basis, without adjourning the matter beyond the seven working days, at any point of time, so that, there is finality to the issue. It is needless to state that the petitioner shall cooperate for the enquiry and shall not seek for any unnecessary adjournments. No costs. Consequently, the connected WMP is also dismissed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai 600 009

2. The Director of Agriculture,
Chennai 600 005

3. The Joint Director of Agriculture,
Cuddalore District,
Cuddalore 607 001

+1cc to S.Thiruma Valavan, Advocate SR.No.70862

+1cc to Government Pleader SR.No.70929

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SDR 28.10.2017



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