

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2588 of 2017

V.Rajendran

..

Petitioner

Vs

1.The Government of Tamil Nadu
Rep. by the Agricultural Production
Commissioner & Secretary to Government
Agriculture Department,
Secretariat, Chennai - 9.

2.The Chief Engineer,
(Agricultural Engineering)
Chennai - 35.

3.The Commissioner
Tribunal for Disciplinary Proceedings,
Trichirapalli.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the first respondent to herein to permit the petitioner to retire from service on 28.02.2017 FN without prejudice to the pendency of TDP case No.8B/2013 (RC No.248/2013/A1) on the file of the 3rd respondent and the criminal case if any pertaining to the Rain Water Harvesting Scheme and Artificial recharge to Ground Water Scheme and to continue the said proceedings under Rule 9 of the T.N. Pension Rules 1978, in the light of similar orders issued in the case of similarly placed officials and to pass appropriate orders within a time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner in the affidavit filed in support of the petitioner would aver among other things. He joined the service as Asst. Engineer in the Agricultural Engineering Department on 19.04.1985 and got promoted as an Assistant Executive Engineer (Agricultural Engineering) on 24.11.2004 and his retirement on attaining the age of superannuation falls on 28.02.2017. The petitioner would further aver that nearly 8 years ago, i.e. on 15.04.2009, a surprise check was conducted by the Directorate of Vigilance and Anti Corruption with regard to completion of Rain Water Harvesting Scheme and the petitioner was found in possession of unaccounted cash of Rs.3,17,000/-. The petitioner was also vested with disciplinary proceedings in TDP No.18B of 2013 and the same is pending on the file of the 3rd respondent without much progress. The petitioner would further state that on account of the pendency of the disciplinary proceedings, his promotion to the post of Executive Engineer was also not considered and according to him, Thiru S.Thiagarajan, Executive Engineer (A.E), S.Chandrasekaran, Asst. Executive Engineer (A.E) and P.Arumugam, Asst. Executive Engineer (A.E) were permitted to retire from service, without prejudice to the pending disciplinary proceedings vide G.O.(3D) No.167, 230 and 108, Agricultural (AA8) Department dated 31.07.2014, 31.07.2015 and 31.05.2011 respectively.

3. The grievance now expressed by the petitioner is that since the petitioner being a similarly placed person and some of the co-delegates were permitted to retire from service, without prejudice to the pending disciplinary proceedings, the same benefits may be conferred upon the petitioner.

4. The learned counsel for the petitioner would submit that in similar facts and circumstances, this Court, vide order dated 28.03.2016 in WP (MD) No.5357 of 2016 in P.N.Loganathan vs. The Agricultural Production Commissioner & Secretary to Government, Chennai- 9 & another, has directed the first respondent to dispose of the representation, on merits and in accordance with law and prays for positive orders.

5. Per contra, Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents would submit that unless and until the disciplinary proceedings are culminated early, the petitioner is not entitled to retire from the services of the respondents and prays for dismissal of the writ petition.

6. This Court has considered the rival submissions and perused the materials available on record.

7. Though the petitioner has prayed 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 petitioners in his representation or in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 04.01.2017 & 11.01.2017, on merits and in accordance with law and pass appropriate orders, on or before 24.02.2017 and communicate the decision taken, to the petitioner.

8. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

rgr

To

1.Agricultural Production
Commissioner & Secretary to Government
The Government of Tamil Nadu
Agricultural Production
Commissioner & Secretary to Government
Agriculture Department,
Secretariat, Chennai - 9.

2.The Chief Engineer, (Agricultural Engineering)
Chennai - 35.

3.The Commissioner
Tribunal for Disciplinary Proceedings,
Trichirapalli

+1cc to Mr.M.Ravi, Advocate sr.7004

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pa(co)
ss(8/2/2017)

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