



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.1260 of 2015
and
M.P. (MD) .No.2 of 2015

1.The Agriculture Production
Commissioner and Principal
Secretary to Government
Agriculture Department
Fort St.George, Chennai

2.The Director of Agriculture
Marketing and Agri Business
Guindy, Chennai-32

... Appellants

-VS-

J.Udayakumar

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 03.12.2014 in W.P.(MD).No.18774 of 2014, on the file of this Court.

Prayer in WP(MD). 18774/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the records of the 1st respondent by his proceeding in G.O.No.(3D) No.200 Agriculture AA2 Department dated 13.9.2011 and quash the same.

For Appellants : Mr.V.Muruganantham,
Additional Government Pleader
For Respondent : Mr.K.P.S.Palanivel Rajan

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Mr.K.P.S.Palanivel Rajan, learned counsel appearing for the respondent and carefully perused the materials placed on record.



2. This writ appeal by the Government is directed against the order, dated 03.12.2014, made in W.P.(MD).No.18774 of 2014.

3. The respondent / writ petitioner filed a writ petition, in W.P.(MD) No.18774 of 2014, challenging the Government Order in G.O.(3D) No.200, Agriculture (AA2) Department, dated 13.09.2011, in and by which the respondent / writ petitioner was placed under suspension.

4. After considering the factual matrix, the Writ Court found that the order of suspension was prolonged order of suspension and as on the relevant date, the respondent / writ petitioner was receiving 75% of the salary by way of subsistence allowance without doing any work. Thus, following the decision in **K.Selvamani vs. State of Tamil Nadu** (in W.P.(MD).No.21014 of 2013, dated 08.04.2014), the Court revoked the order of the suspension and directed the respondent / writ petitioner to be posted in any non-sensitive post preferably at a far off place.

5. After hearing the learned counsel appearing for the parties and perusing the materials placed on record, we find that there is no ground to interfere with the order passed by the Writ Court and the writ appeal is, therefore, liable to be dismissed.

6. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 53459

SKM/KRK

PSM/KP/03.05.2017/2P/2C

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