



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.6987 of 2017

R.Rajasekaran

.. Petitioner

Vs.

1. The Agricultural Production Commissioner and
Principal Secretary to Government,
Agriculture Department, Secretariat,
Chennai - 600 009.

2. The Director of Agriculture,
Agriculture Department,
Chepauk, Chennai - 600 005.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2, i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Chennai and the Director of Agriculture, Chennai to pass final orders on the disciplinary action initiated against the petitioner in memo No.VCS1/155160/2010, dated 29.05.2012 by the second respondent after communicating the enquiry report within a specified time frame that may be fixed by this Court.

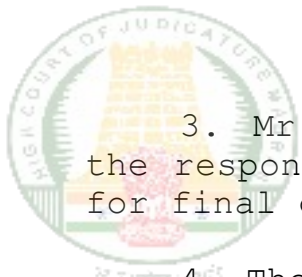
For Petitioner	: Mr.S.Visvalingam
For Respondents	: Mr.V.Pandi, Government Advocate.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents 1 and 2, i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Chennai and the Director of Agriculture, Chennai to pass final orders on the disciplinary action initiated against the petitioner in memo No.VCS1/155160/2010, dated 29.05.2012 by the second respondent after communicating the enquiry report within a specified time frame that may be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and

<https://hcservices.courts.gov.in/hcservices/> the learned Government Advocate appearing for the respondents.



3. Mr.V.Pandi, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. The brief facts that are necessary for the disposal of the Writ petition are as follows:-

The petitioner while serving as an Assistant Agriculture Officer, at Ilayangudi, a charge memo dated 29.05.2012 was issued to the petitioner by the second respondent/Director of Agriculture, Chennai. Though the petitioner has given a detailed explanation on 12.08.2013, the enquiry officer was appointed only 26.02.2014. The enquiry officer concluded his enquiry and sent his report to the second respondent. However, the grievance of the petitioner is that the report of the enquiry officer was not communicated to the petitioner for offering his further explanation and that the enquiry has not been completed. The reason is that the petitioner was to retire on 30.06.2015, he is not able to get his terminal benefits because of the pendency of the disciplinary proceedings against the petitioner. In the above background of the case, the petitioner has come forward with the present Writ petition to direct the disciplinary Authority to pass final orders on the enquiry after serving the copy of the enquiry report and getting the petitioner's further explanation to the enquiry report to the enquiry officer.

5. Having regard to the limited scope of the prayer in the Writ petition, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to issue the following direction:-

"The respondents 1 and 2 are directed to pass final orders on the disciplinary proceedings initiated against the petitioner pursuant to the charge memo, dated 29.05.2012, after communicating the enquiry report to the petitioner and after getting his further explanation to the enquiry report, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to submit his further explanation to the enquiry report within a period of two weeks from the date of receipt of a copy of the enquiry report from the respondents."

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

<https://hcservices.ecourts.gov.in/hcservices/> /True copy/

Sub Assistant Registrar



To

1. The Agricultural Production Commissioner and
Principal Secretary to Government,
Agriculture Department, Secretariat,
Chennai - 600 009.

2. The Director of Agriculture,
Agriculture Department,
Chepauk, Chennai - 600 005.

+1 CC to MR.S.VISVALINGAM, Advocate, SR No. 52317

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 52769

PMU

PSM/SV-MMS/SAR3/28.04.2017/3P/5C

ORDER MADE IN
W.P. (MD) .No.6987 of 2017
18.04.2017