

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1029 of 2017
and
C.M.P.No.14455 of 2017

The Agricultural Production Commissioner &
Secretary to Government,
Agricultural Department,
Fort St.George,
Chennai-600 009. ... Appellant

Vs.

S.Chakravarthi ... Respondent

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court dated 28.11.2016 in W.P.No.28664
of 2013.

WP.NO.28664/2013

Writ Petitoin filed under Article 226 of the Constitution
of India praying to issue a Writ of Certiorarified Mandamus
call for the records of the impugned order of punishment passed
by the respondent herein under the proceedings bearing
Government Order (3D) No.145 dated 27.8.2013 (served on the
petitioner on 3.9.2013) and quash the same and also directing
the respondent to grant promotion to the petitioner on the basis
of his original seniority

For Appellant : Mr.P.S.Sivashanmugasundaram,
Special Govt.Pleader

For Respondent : Mr.S.Sivakumar for
Mr.G.Ilamurugu

JUDGMENT

(Delivered by Huluvadi G.Ramesh, J.)

The respondent was issued with a charge memo dated
16.11.2016 by the Special Commissioner for Disciplinary

Proceedings, Salem alleging misappropriation of Government funds and fabrication of documents, which culminated in imposing a punishment of stoppage of increment for two years with cumulative effect. Challenging the same, the respondent filed a writ petition before this Court in W.P.No.28664 of 2013, wherein this Court passed an order on 28.11.2016 setting aside the punishment imposed on the respondent and also observing that the respondent shall be entitled to be promoted on the basis of his original seniority without reference to the punishment imposed. Challenging the same, the present writ appeal has been filed by the State.

2.The learned Special Government Pleader appearing for the appellant has submitted that the Vigilance and Anti Corruption Department has inquired into the allegations and submitted a report to the Government and the Government referred the issue to the Tribunal for Disciplinary Proceedings, Coimbatore and the Tribunal, after completing the enquiry in respect of the respondent and eight other officers, remitted the enquiry report to the Government for issuance of final orders and the Government, after affording a reasonable opportunity to the delinquent officers, imposed the punishment of stoppage of increment for two years with cumulative besides a recovery of Rs.3,995.75 from the respondent towards the loss caused to the Government. He also submitted that only on the ground of delay the learned single Judge has set aside the punishment and that the learned single Judge had not gone into the proved misconduct on the part of the respondent. Stating so, he prayed for quashing the order passed by the learned single Judge.

3.The learned counsel for the respondent has submitted that the learned single Judge has dealt with the matter in proper perspective and has passed the impugned order and hence the same does not require any interference by this Court.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It appears that only on the ground of inordinate delay in the entire process leading to passing of the order impugned in the writ petition, the learned single Judge has set aside the punishment. But the factum of proved misconduct has not been dealt with by the learned single Judge. In this regard, no finding has been given by the learned single Judge. According to the learned Special Government Pleader appearing for the Government, the charges have been proved in the manner known to law. Hence, the impugned order is set aside and the matter is remanded back to the learned single Judge to render a finding whether to sustain or set aside the punishment after taking note of the alleged proven misconduct on the part of the respondent, with proper reasoning. We request the learned single Judge to dispose of the matter within a period of three months.

6.The writ appeal is disposed of accordingly. Consequently,
the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

KM

To

1.The Agricultural Production Commissioner &
Secretary to Government,
Government of Tamil Nadu,
Agricultural Department,
Fort St.George,
Chennai-600 009.

2.The Section Officer,
Writ Section, High Court, Madras.

+ 1 cc to Mr.G.Ilamurugu Advocate,SR.5157
+ 1 cc to The Govt.Pleader, SR.5831

W.A.No.1029 of 2017
and
C.M.P.No.14455 of 2017

lrs(co)
nr 23/02/2018

सत्यमेव जयते
WEB COPY