

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27953 of 2005

R.P.Rajendran

... Petitioner

..Vs..

- 1.The Commissioner of Agriculture,
O/o.The Commissioner of Agriculture,
Ezhilagam,
Chepauk, '
Chennai - 5.
- 2.The Joint Director of Agriculture,
O/o.The Joint Director of Agriculture,
Salem - 1.
- 3.The Agricultural Chemist Saline,
Saline & Alkaline Land Reclamation Scheme,
Taluk Office Compound,
Salem - 1.
- 4.The Assistant Soil Chemist,
Soil Testing Laboratory,
Taluk Office Compound,
Salem - 1.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of the respondents 3, 2 and 4 in connection with the order passed by them in Proc.No.8/2002 dated 18.11.2002, Proc.No.A1/20733/2002 dated 20.06.2005, Ka.No.1668/2003 dated 21.07.2005 and Ka.No.247/05 dated 23.08.2005 respectively and quash the same.

For Petitioner : Mr.R.Singaravelan, Sr. Counsel
for Mr.V.S.Jagadeesan.

For Respondents: Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The order of punishment issued by the original authority in proceedings dated 21.07.2005, imposing the penalty of stoppage of increment for the period of one year without

cumulative effect, is under challenge in the present writ petition. The appellate order confirming the punishment in proceedings dated 23.08.2005 is also under challenge in the present writ petition.

2. The writ petitioner was appointed as an Agricultural Officer and on account of certain allegations, the disciplinary proceedings were initiated, charge memo was issued under Rule 17 (a) of the Tamil Nadu Discipline and Appeal Rules and by way of summary proceedings, the punishment of stoppage of increment for the period of one year without cumulative effect was imposed. The appeal preferred by the writ petitioner was also rejected.

3. The learned Senior Counsel, appearing on behalf of the writ petitioner, made a submission that the writ petitioner preferred a revision petition on 07.07.2005 before the first respondent. The fact regarding the filing of revision petition is admitted by the respondents in their counter in Paragraph No.7 and further, it is reiterated that the revision petition is in the process of consideration and a decision is yet to be taken by the first respondent in respect of the grounds raised in the revision petition by the writ petitioner.

4. In this view of the matter and without going into the merits of the case, the first respondent is directed to consider the revision petition filed by the writ petitioner on 07.07.2005 and pass order on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the revision petition and all other relevant documents along with the order passed in the present writ petition.

5. With these directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns/svn
To

1.The Commissioner of Agriculture,
O/o.The Commissioner of Agriculture,
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Chepauk, '
Chennai - 5.

2.The Joint Director of Agriculture,
O/o.The Joint Director of Agriculture,
Salem - 1.

3.The Agricultural Chemist Saline,
Saline & Alkaline Land Reclamation Scheme,
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4.The Assistant Soil Chemist,
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+1 CC to Govt. Pleader sr 88377.

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RK(CO)
SP(23/01/2019)



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