

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.8447 of 2008 & M.P.Nos.2 to 4 of 2008

S.Ramakrishnan

...Petitioner

.Vs.

The Director of Agriculture
Chepauk, Chennai - 5.

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, by calling for the records relating to the respondent herein in DCS.II (5) / 32 / 2002 (4) dated 31.07.2006 and quash the same and consequently direct the respondent herein to regularize the suspension period as duty for all purposes and refix the petitioner's pay scales by conferring the selections Grade scale and other monetary with due regards to his seniority and to settle all his benefits forthwith.

For Petitioner : Mr.R.S.Anandan
For Respondent : Mr. R.S.Selvam
Government Advocate

ORDER

The petitioner has filed the writ petition for by calling for the records relating to the respondent herein in DCS.II (5) / 32 / 2002 (4) dated 31.07.2006 and quash the same and consequently direct the respondent herein to regularize the suspension period as duty for all purposes and refix the petitioner's pay scales by conferring the selections Grade scale and other monetary with due regards to his seniority and to settle all his benefits.

2.The petitioner has joined the services as Field Demonstration officer in the year 1985 and he was upgraded as Assistant Agriculture Officer in the year 1997. While he was working as Assistant Agriculture Officer, State Seed Farm, Vaazhavachanur, Tiruvannamalai District, an FIR was registered against him in crime No.282 of 2001 by the Vaanapuram Police

Station U/S 409 and 379 of IPC and a charge sheet has been filed in C.C.No.245 of 2004 and he was placed under suspension by the proceedings Proc.A/738/2001 dated 28.12.2001. Subsequently after the Trial the criminal case ended in acquittal on 04.11.2004 and he was reinstated into service on 07.01.2005 and he was posted in the same State Seed Farm, Athianthal.

3. After acquittal from the Criminal case, the petitioner claimed damages from the respondents by sending a notice on 17.10.2005 and also filed a suit in O.S.No.26 of 2006 before the Additional District Munsif, Tiruvannamalai which is still pending.

4. Thereafter, the petitioner was transferred to Ramanathapuram District and was served with a charge memo issued by the respondent in DCS.II(5)/32/ 2002(4) dated 31.07.2006 for committing an offence of doubtful integrity and lack of devotion to duty and committed grave misconduct and thereby conducting himself in a manner unbecoming of a Government Servant by contravening Rule No.20 of the Tamil Nadu Government Servants Conduct Rules 1973. The petitioner gave a representation on 25.02.2008 to the respondent to drop the charges, but till date no order has been passed on the said representation. Even after the petitioner was reinstated into service pursuant to the order of acquittal passed by the Criminal Court, the suspension period has not been regularized citing the pendency of the present proceedings. His pay scales, which ought to have been conferred on completion of 10 years of service has also not been fixed. Aggrieved against the same, the petitioner is before this Court by way of writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the available materials on record.

6. Pending this writ petition, the petitioner died on 18.07.2017 and the disciplinary proceedings initiated against him stood abated and an order was issued to that effect in G.O.(3D) No.247 dated 17.11.2017.

7. On 19.06.2018, this Court has directed the Government pleader to file a status report regarding the said issue and the same is filed today (i.e) 21.06.2018. It is seen from the status report that the pension proposal was sent to the Accountant General (A&E), Chennai-18, vide letter No.A3/6240/2016 dated 29.01.2018 of the Joint Director of Agriculture, Krishnagiri under whose control the petitioner worked lastly. But the pension proposal was returned by the Accountant General (A&E), Chennai-18 for regularizing the suspension period of the petitioner pertaining to the above disciplinary proceedings. Accordingly the Joint Director of

Agriculture, Krishnagiri was requested to send necessary details along with SR of the individual to regularize the suspension period vide office Letter No.B3/1527/2002 dated 04.05.2018. On 20.06.2018, the Joint Director of Agriculture, Krishnagiri has sent a letter to the Joint Director, Chepauk, Chennai - 600 005, which is enclosed along with the status report received from the Joint Director of Agriculture, Tiruvannamalai. It is seen from the said enclosed letter that:

(i) the duty pay for the period from 01-09-2016 to 05.09.2016 has been paid.

(ii) some provident fund amount, relief fund, earned leave and unearned leave salary, bonus, SPF amounts have been paid.

(iii) the impugned charge memo dated 31-07-2016 is abated vide G.O.(MD) No. 247, Agriculture Department dated 17-11-2017.

(iv) the period of suspension (i.e) 28.12.2001 to 09-01-2005, has to be regularized and

(v) after the regularization of suspension period, the increment from 01-07-2002, and the pay fixation as per 6th and 7th pay commission have to be refixed and pensionary benefits due to the petitioner have to be paid.

8. In view of the status report filed by the Government Pleader this writ petition is disposed of with a direction to the respondents to implement the said letter dated 20.06.2018 within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To.

1. The Director of Agriculture
Chepauk, Chennai - 5.
2. The Joint Director of Agriculture,
Krishnagiri.
3. The Joint Director of Agriculture,
Tiruvannamalai.

4. The Accountant General (A &E),
Chennai - 18.

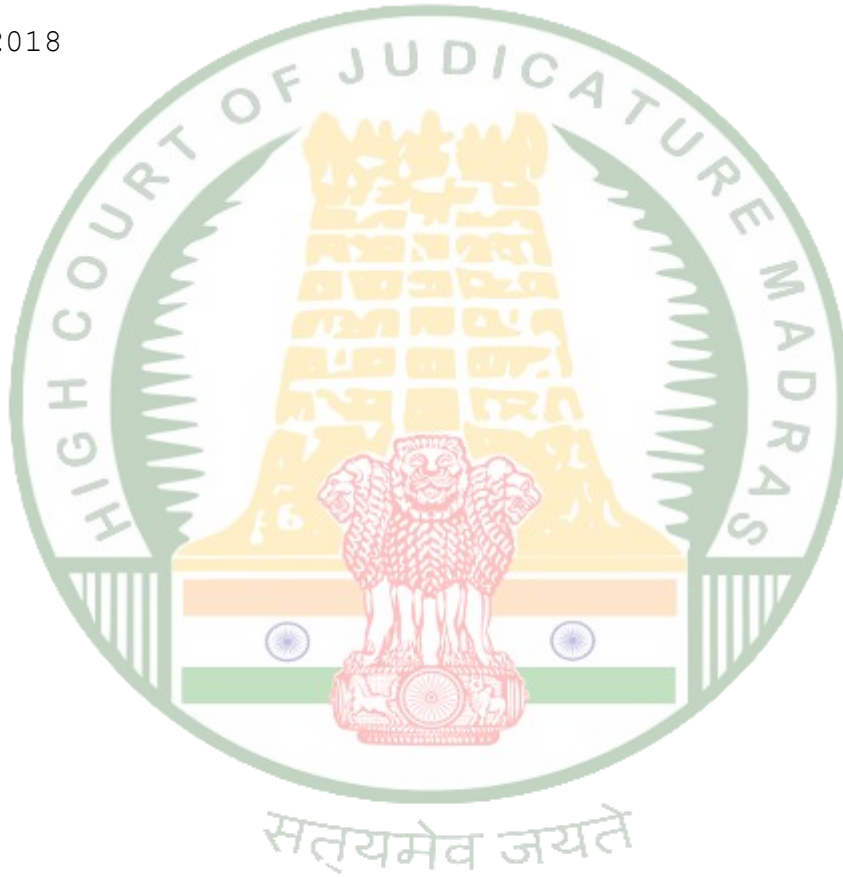
5. The Additional District Munsif,
Tiruvannamalai.

+1cc to Mr.R.S.Anandan, Advocate sr.no.38945

+1cc to Government Pleader sr.no.39578

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