

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.06.2018****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.11969 of 2018**

J.Murugabharathi

... Petitioner

-vs-

The Agricultural Production Commissioner and
Principal Secretary to Government
Agriculture Department, Secretariat,
Chennai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent ie., the Agricultural Production Commissioner and Principal Secretary to Government Chennai to pass appropriate orders on merits and accordance with law in the disciplinary action initiated against the petitioner in memo No.VCS1/139810/05 dated 29.09.2008 of the Commissioner of Agriculture, Chennai, within a specified time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For Respondent	:	Mr.K.Saravanan Government Advocate

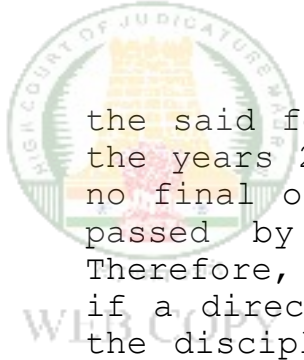
O R D E R

The prayer in the writ petition is for a Writ of Mandamus to direct the respondent ie., the Agricultural Production Commissioner and Principal Secretary to Government Chennai to pass appropriate orders on merits and accordance with law in the disciplinary action initiated against the petitioner in memo No.VCS1/139810/05 dated 29.09.2008 of the Commissioner of Agriculture, Chennai.

2. By consent of both sides, the writ petition is disposed of at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who accepts notice for the respondent.

4. The learned counsel for the petitioner would submit that pursuant to the charge memo dated 29.09.2008, enquiry was conducted and the petitioner also cooperated with the Enquiry Officer, to which, enquiry report was also submitted to the disciplinary authority, after getting further representation from the petitioner, which was submitted by the petitioner on 07.02.2015. In spite of



the said formalities having been duly complied with as early as in the years 2015 and 2016 itself, for the past more than three years, no final order with regard to the disciplinary proceeding has been passed by the respondent, who is the disciplinary authority. Therefore, the learned counsel for the petitioner would submit that if a direction is given to the respondent to pass final orders on the disciplinary proceedings within a time frame to be stipulated, the petitioner would be satisfied.

5. I have heard the learned Government Advocate, who would submit that if the final order is not already passed, certainly, the respondent would consider and pass orders on the enquiry report submitted by the Enquiry Officer pursuant to the disciplinary proceedings initiated against the petitioner, within a shortest possible time that may be fixed by this Court.

6. Considering the said submissions made by both sides and taking into account the circumstances of the case, this Writ Petition is disposed of with the following direction:

"That the respondent is directed to pass final orders on the disciplinary proceedings initiated against the petitioner by issuance of charge memo dated 29.09.2008, wherein, enquiry report was communicated on 08.12.2014 and the petitioner also had submitted the further explanation/representation on 07.02.2015, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner". No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

The Agricultural Production Commissioner and
Principal Secretary to Government
Agriculture Department, Secretariat,
Chennai

+1cc to Mr.S.Visvalingam, Advocate, SR.No.66860
+1cc to Special Government Pleader, SR.No.67126.

W.P. (MD) No.11969 of 2018
06.06.2018

RR

RAM/JC/SAR 4/18.06.2018/2P/4C