



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.07.2019

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THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.16524 of 2019

G.Mohan

... Petitioner

Vs.

1. The Agricultural Production Commissioner and
Secretary to Government, Agriculture Department,
Government of Tamil Nadu, Fort St. George,
Chennai - 600 009.
2. The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 0035. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass final orders in the disciplinary proceedings pending against the petitioner pursuant to the charge memo issued by the second respondent in No.O.Na.3/51612/2011-12 dated 24.03.2012 within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner was initially appointed as Assistant Soil Conservation Officer on 30.12.1982. He was promoted as Junior Engineer on 03.12.2007 and re-designated as Assistant Engineer. On 24.03.2012 a charge memo was issued to him by the Chief Engineer (Agricultural Engineering). The charge memorandum contained 11 articles of charges framed under Rule 17(B) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

2.An officer was appointed and an enquiry was conducted into the charges. On conclusion of the enquiry, it appears that enquiry report was submitted on 02.02.2015 holding that all the charges proved against the petitioner. At this, the petitioner appears to have submitted his explanation on 09.03.2015. After the explanation to the report, the disciplinary authority has



not passed any final orders and therefore, the petitioner is before this Court seeking for issuance of writ of mandamus.

3.Mr.P.Manoj Kumar, learned counsel appearing for the petitioner would submit that the petitioner is due for retirement in January 2020 and in view of the pendency of the disciplinary action, his normal retirement is likely to get affected. Therefore, he would implore this Court to direct the 1st respondent to pass final orders after taking note of the explanation submitted by the petitioner to the Enquiry Officer.

4.Mr.J.Pothiraj, learned Special Government Pleader for the respondents would submit that a criminal case is pending against the petitioner and that has not attained any finality. Therefore, he would submit that the disciplinary authority is awaiting the outcome of the criminal case and hence, no orders have been passed till date.

5.This Court is unable to appreciate the stand taken on behalf of the respondents. When the departmental enquiry was concluded as early as in 2015 and a report has been submitted by the Enquiry Officer on 02.02.2015 itself and the explanation was offered by the petitioner in response to the enquiry report on 09.03.2015, nothing prevents the disciplinary authority to pass final orders in the departmental proceedings. The pendency of the criminal proceedings against the petitioner is no bar for the disciplinary authority to pass final orders on the departmental action, since the enquiry initiated against him is concluded and the report submitted and the explanation was also offered.

6.In the above circumstances, this Court is of the view that the writ of mandamus as prayed for is to be granted. Accordingly, the Writ Petition is allowed and the 1st respondent/disciplinary authority is directed to pass final orders in the departmental proceedings initiated against the petitioner after taking note of the explanation submitted on 09.03.2015, in pursuance of the charge memo issued against him dated 24.03.2012 within a period of four weeks from the date of receipt of a copy of this order. The order passed by the disciplinary authority shall be communicated to the petitioner forthwith. No costs.

Sd/-
Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

Sgl



To

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

2. The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 0035.

+1 cc to M/s.P.Rajendran, Advocate, S.R.No.57688

+1 cc to the Government Pleader, S.R.No.58099

W.P.No.16524 of 2019

PA(CO)
SSM(30/07/2019) .