



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.17138 of 2018
& WMP.No.20399 of 2018

B.Loganathan

.. Petitioner

Vs.

1.The Commissioner of Agriculture,
Chepauk,
Chennai-5.

2.The Additional Director of Agriculture,
(Personal Management),
Chepauk,
Chennai-5

3.The Assistant Director of Agriculture,
Sriperumputhur,
Kancheepuram District.

....Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order of the first respondent dated 07.05.2018 by his proceedings SA.Mu.Aa.No.Pa.ONA-1/4/93901/2013-2 and to direct the respondent to regularise the service of the petitioner for the period cancelled as per the impugned order dated 07.05.2018.

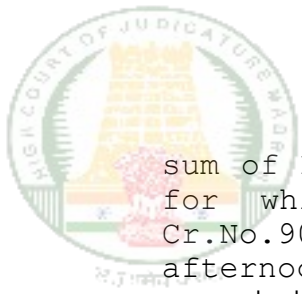
For Petitioner .. Mr.V.Gangadharan

For Respondents.. Mr.J.Pothiraj, Spl G.P.

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order of the first respondent dated 07.05.2018 by his proceedings SA.Mu.Aa.No.Pa.ONA-1/4/93901/2013-2 and to direct the respondents to regularise the service of the petitioner for the period cancelled as per the impugned order dated 07.05.2018.

2. The petitioner was working as Office Assistant in the Office of the Assistant Director of Agriculture, Sriperumpudur in the year 1993. He was charged for stealing a cheque for a



sum of Rs.8,343/- on 06.04.1993 and also for committing forgery, for which a criminal case was registered against him in Cr.No.9080 of 1993. He was suspended from service on the afternoon of 20.04.1993. The petitioner came to be acquitted in a criminal case in C.C.No.167 of 2000 by the Munsif Court, Thiruvallur on 10.01.1995. However, departmental proceedings was issued on 16.07.2010 under Rule 17-B of the Tamilnadu Civil Services Disciplinary & Appeal Rules and after submission of report holding that the charges were proved, the petitioner came to be dismissed from service. An appeal was preferred to the first respondent. The dismissal was modified as one of punishment of withholding of increment by order dated 17.04.2008. The period of suspension came to be regularised by treating the entire period as 'non duty' standing to the credit of the petitioner by proceedings of the first respondent dated 07.05.2018. The said proceedings is put to challenge in the present writ petition.

3. According to the learned counsel for the petitioner, the period of suspension has to be regularised as spent on duty instead of treating the period as earned leave under Rule 15 and 54-B 1(5) of the Fundamental Rules.

4. This Court is unable to appreciate the contentions raised on behalf of the learned counsel for the petitioner for the reason that the suspension period cannot be treated as spent on duty as the petitioner was ultimately punished on completion of the disciplinary proceedings and hence, not eligible to the relief as prayed for in the writ petition. The impugned proceedings which regulated the period of suspension under the above quoted rule is perfectly in order and the same does not call for any interference of this Court. A detailed order was passed by the authority. Hence, this Court does not find any infirmity in the approach of the authority and suspension period has been regulated in terms of the relevant Fundamental Rules and there is absolutely no scope for this Court to intervene in such a decision of the authority.

5. Therefore, the writ petition lacks merits and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dn



To

1.The Commissioner of Agriculture,
Chepauk,
Chennai-5.

2.The Additional Director of Agriculture,
(Personal Management),
Chepauk,
Chennai-5

3.The Assistant Director of Agriculture,
Sriperumputhur,
Kancheepuram District.

+1cc to Mr.V.Gangadharan, Advocate, S.R.No. 51099

+1cc to the Government Pleader, S.R.No. 51794

W.P.No.17138 of 2018

SSD(CO)
GN(07/08/2019)