

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3965 of 2019
and C.M.P.No.24863 of 2019

- 1.The Secretary to Government,
Animal Husbandry, Dairying & Fisheries Dept.,
Government of Tamil Nadu,
Secretariat, Chennai-9.
- 2.The Director of Animal Husbandry and
Veterinary Services,
Veterinary Hospital Complex,
Saidapet, Chennai-35.
- 3.The Deputy Director of Animal Husbandry,
District Livestock Farm,
Hosur, Krishnagiri District .. Appellants/Respondents

S.Sivakrishnan .. Respondent/Petitioner

Appeal filed under Clause 15 of the Letters Patent against
the order dated 03.01.2019 passed in W.P.No.33192 of 2018 on the
file of this Court.

WP.No.33192 of 2018:

PRAYER: Writ Petition has been filed under Article 226 of the
Constitution of India, praying for issuance of Writ of
Certiorarified Mandamus to call for the records in respect of
impugned order passed by the 2nd respondent in his

Roc.No.36827/L1/2017-2, dated 07.06.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service.

For Appellants : Mr.V.Jayaprakash Narayanan,
Government Pleader

:

JUDGMENT

(Judgment of the Court was delivered by SUBRAMONIUM PRASAD,J.)

The instant Writ Appeal is directed against the order dated 03.01.2019, passed in W.P.No.33192 of 2018.

2.The respondent herein was in-charge as Deputy Director of District Livestock Farm, Hosur, from 13.11.2015 to 05.12.2016. It is the allegation of the appellants/Government that he has mis-appropriated Government funds in implementing the State Fodder Development Scheme and thereby caused loss to the Government. The respondent/writ petitioner was placed under suspension, vide proceedings Roc.No.36827/L1/2017-2, dated 07.06.2018. Aggrieved by the order of suspension, the respondent filed the instant W.P.No.33192 of 2018, challenging the suspension.

3.Before the learned Single Judge, it was contended by the learned for the respondent/writ petitioner that the shortage amount of Rs.2,33,098/- has been paid by the respondent/writ petitioner. It has also been recorded and has not been disputed that there is no Criminal case pending against the respondent/writ petitioner.

4. In view of the law laid down by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary vs. Union of India (UoI) and Others [2015(3) CTC 119] and in view of the fact the respondent/writ petitioner has been under suspension for the past one year and three months, this Court is not inclined to interfere with the order of the learned Single Judge.

5.The learned Government Pleader submits that the learned Single Judge had erred in accepting the contention of the writ petitioner that the shortage was only Rs.2,33,098/- and that it was much more. In any event, if there is any error

apparent on the face of the record, then only it will be permissible to file Review application under Order 47 Rule 1 of C.P.C. The Writ Appeal, therefore, is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msk

TO:

- 1.The Secretary to Government,
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District Livestock Farm,
Hosur, Krishnagiri District

+1cc to Government Pleader SR.NO. 97544

W.A.No.3965 of 2019

RSI (CO)
NR 12/12/2019

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