

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No. 30327 of 2018

&

W.MP.No.35391 of 2018

K.Arumugam

Agricultural Officer (MSTL),
(under Suspension),

O/o. The Assistant Director of Agriculture,
Mobile Soil Testing Laboratory,
Thiruparankundram,
Madurai District.

...Petitioner

Vs.

1. The State of Tamilnadu,
Rep.by its Agricultural Production Commissioner,
Cum Principal Secretary,
Fort St.George, Secretariat,
Chennai - 600 009.

2.Commissioner of Agriculture,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in pursuant to the impugned charge memo issued in No.VCS1/139810/2005 dated 29.09.2008 and quash the same as illegal and arbitrary and consequently direct the respondents to allow the petitioner to retire from service with all service and monetary benefits within the time limit that may be stipulated by this Court.

For Petitioner :Mr.G.Thalaimutharasu

For Respondents :Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The writ petition has been filed challenging the impugned charge memo passed by the second respondent in No.VCS1/139810/2005 dated 29.09.2008.

2. The learned Special Government Pleader appearing on behalf of the respondents made a submission that pursuant to the impugned charge memo dated 29.09.2008, the enquiry proceedings were already concluded and the enquiry officer submitted a report to the Government. Thus, the Government has to issue the second show cause notice, enclosing the copy of the enquiry report and on receipt of the explanation/objection from the delinquent, final orders in the departmental disciplinary proceedings are to be passed. This being the factum of the case, this Court is not inclined to go into the allegations set out in the charge memo as well as the grounds raised to scrap the charge memo itself. Accordingly, the respondents are directed to follow the procedures, conclude the disciplinary proceedings and pass final orders as expeditiously as possible and without causing any undue delay.

3. With this direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

av/sai

To

1. The Agricultural Production Commissioner
Cum Principal Secretary,
The State of Tamilnadu,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner of Agriculture,
Ezhilagam, Chepauk,
Chennai - 600 005.

+1cc to Mr.R.Jayaprakash, Advocate SR.No.18590

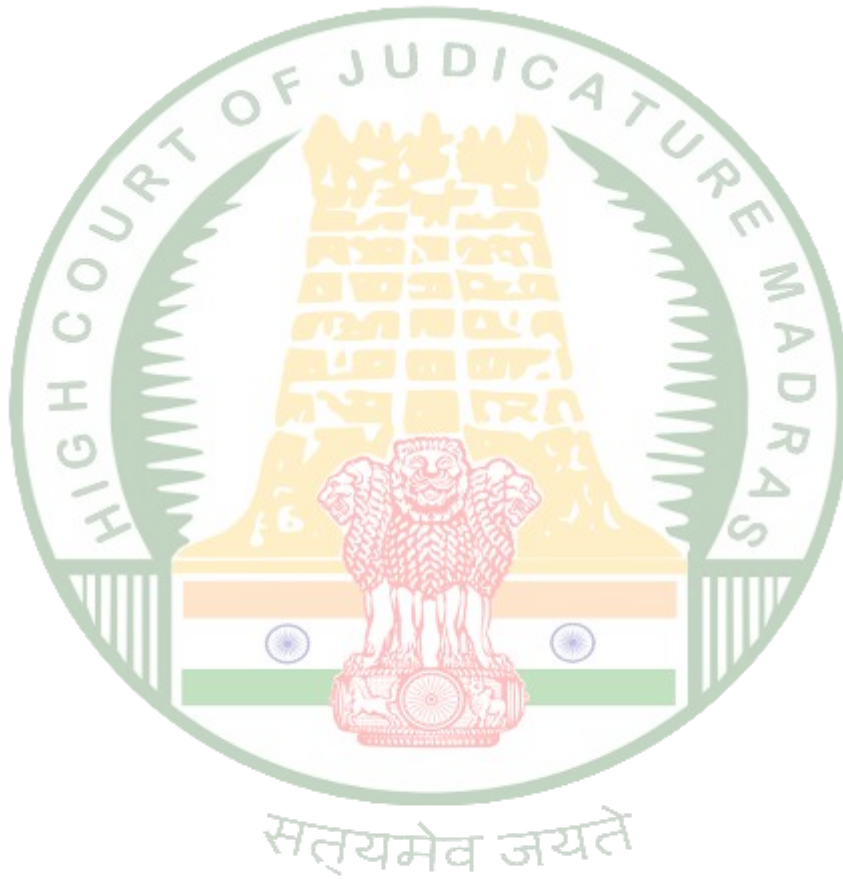
+1cc to Government Pleader SR.No.18922

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RR(CO)
GMY(23/03/2019)



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