



WEB COPY

W.A.(MD)No.904 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.904 of 2019

and

C.M.P. (MD)No.8142 of 2019

The Agricultural Production Commissioner
and Principal Secretary to Government,
Agricultural Department,
Secretariat,
Chennai-600 009.

... Appellant/Respondent

Vs.

S.Irulappan

...Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order dated 31.01.2019 passed by the learned Single Judge made in W.P.(MD)No.15004 of 2013 on the file of this Court and allow this writ appeal.

Prayer in WP(MD). 15004/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorarified Mandamus calling for the records of the respondent relating to G.O.(3D) No.84 Agriculture Department dated 26.04.2013 and quash the same and consequently direct the Government to treat the period of absence from 01.07.2007 to 31.12.2007 as compulsory wait within a specified time frame that may be fixed by this Hon ble Court and pass such other orders as may be deemed fit.

For Appellant : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent : Mr.S.Visvalingam

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellant and Mr.S.Visvalingam, learned counsel for the respondent. With the consent on either side, the writ appeal itself taken up for final disposal at the stage of admission itself.



2. This appeal filed by the Agricultural Production Commissioner and Principal Secretary to Government, Agricultural Department is directed against the order passed in W.P.(MD)No.15004 of 2013 dated 31.01.2019 filed by the respondent herein.

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3. The respondent challenged the order of punishment imposed upon him, by the Government in G.O.(3D) No.84, Agricultural Department, dated 26.04.2013, whereby the punishment of stoppage of one year increment without cumulative effect has been issued to him on the ground that he did not join duty. The learned Single Judge after considering the facts of the case, recorded a finding that there was no order from the Government directing the respondent / writ petitioner to join duty after disbanding of Tamil Nadu Precision Project at Paiyur, Krishnagiri District till 31.12.2007 and charge memo ought not to have been issued to the respondent / writ petitioner as no consequential order was issued to the respondent / writ petitioner to join duty till 31.12.2007. Further the learned Single Judge noted that the Commissioner of Horticulture has also recommended that the respondent / writ petitioner's case has to be considered as a person under 'compulsory wait' on account of the fact that there was no order directing the petitioner to join in any one of the office of the appellant department. Thus, the learned Writ Court came to the conclusion that the punishment inflicted on the petitioner is not justified and quashed the order of punishment and as recommended by the Commissioner of Horticulture, who is the head of the Department, the respondent ought to have been treated under 'compulsory wait', because there was no order asking the respondent to join duty in any one of the office of the appellant department. Therefore, the writ Court rightly allowed the writ petition.

4. For the above reasons, we find no good grounds to interfere with the order passed in the writ petition. Accordingly, this writ appeal is dismissed. The appellant / appropriate authority is directed to treat the period of absence of the respondent / writ petitioner from 01.05.2007 to 31.12.2007 as compulsory wait by passing appropriate orders within a period of four weeks from the date of receipt of a copy of this Judgment and extend all other benefits to the respondent / writ petitioner within a period of three months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

The Agricultural Production Commissioner
and Principal Secretary to Government,
Agricultural Department,
Secretariat,
Chennai-600 009.

ORDER MADE IN
W.A. (MD) No.904 of 2019
04.09.2019

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JM/30.09.2019/3P/2C