



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD).No.3953 of 2014

and

M.P.(MD).No.1 of 2014

Rathinakumar

... Petitioner

-Vs-

1.The Commissioner / Director,
Director of Agricultural Department,
Chepauk, Chennai-5.

2.The Director,
Directorate of Seed Certification Office,
142A, Thadagam Salai,
Coimbatore-13.

3.The Deputy Director of Seed Inspector,
Karur, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings No.A3/23854/10, dated 2.3.2013 and quash the same as illegal.

For Petitioner : Mr.C.Venkateshkumar
M/s.Ajmal Associates

For Respondent : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The order of punishment, issued by the second respondent in proceeding, dated 02.03.2013 , is under challenge in the present writ petition.

2.The writ petitioner states that he was appointed as Assistant Agricultural Officer and promoted to the post of
<https://hcservices.ecourts.gov.in/hcservices/>



Agricultural Officer on 16.05.2006. The writ petitioner was placed under suspension on account of the initiation of departmental disciplinary proceedings and thereafter, the order of suspension was revoked in proceedings, dated 04.02.2009. On revocation of the suspension order, the petitioner was posted as Seed Inspector at Tuticorin. However, there was a delay in joining in the new post by the petitioner. In view of the fact that the writ petitioner had not joined as per the order of the competent authority and the petitioner had not joined without any intimation to the authority concerned, a charge memo under Rule 17(A) of the Tamil Nadu Civil Service (Discipline and Appeal) Rule was issued. Accordingly, a show-cause notice was issued to the writ petitioner. The petitioner also submitted his explanation denying the allegation and an order of punishment was issued imposing the punishment of stoppage of increment for three months without cumulative effect. Challenging the said order of punishment, the present writ petition is filed.

3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has not committed any misconduct and he submitted his explanation stating that he cannot work in Tuticorin and he has further stated that he has assigned reasons for his delay for not joining in the post at Tuticorin in time. In respect of other charges, the writ petitioner submitted an explanation stating that his personal right to join in the place where he was transferred and the authorities cannot seek any such explanations from him.

4.On a perusal of the explanations submitted by the petitioner, this Court is little surprised that the public servant is unable to understand his duties and responsibilities. The petitioner who was holding a responsible post had not even understood the service conditions as well as the duties and responsibilities to be performed by him. If the Government servant says that joining in a transferred place is his personal right, then he has to take a decision whether to continue in service or not. Undoubtedly, it is his personal right to continue in service or not. If he has to take a decision either to resign the job or to continue in the Government service. In the event of taking a decision to continue in the Government service, then he has to abide by the rules and regulations as well as the Conduct Rules issued by the Government of Tamil Nadu. The very reply given by the writ petitioner is unacceptable and he had taken the Discipline and Appeal Rule on his own hand and submitted his explanation is unbecame of a public servant. This being the style of explanation given by the petitioner to the charges leveled against him under the Rule 17(a), there is no infirmity as such in respect of the criminal penalty imposed on him, the stoppage of increment for three months without cumulative effect.



5.The learned counsel for the writ petitioner states that no enquiry was conducted. The procedures contemplated for conducting departmental disciplinary proceedings under Rule 17(a) is a summary proceeding and no such enquiry is required to imposed minor penalty, in respect of the charges issued under the Rule 17(a) of the Discipline and Appeal Rules. Thus, the conduct of enquiry is not necessary as the initiation of disciplinary proceedings against the writ petitioner was under Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. This being the factum, there is no infirmity as such in respect of the order of punishment issued against the writ petitioner.

6.According, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner / Director,
Director of Agricultural Department,
Chepauk, Chennai-5.
- 2.The Director,
Directorate of Seed Certification Office,
142A, Thadagam Salai,
Coimbatore-13.
- 3.The Deputy Director of Seed Inspector,
Karur, Karur District.

+1 CC to SPL GP SR-82469.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-82517.

W.P. (MD) .No.3953 of 2014
19.08.2019

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