



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.3659 of 2015

and

M.P. (MD)No.1 of 2015

S.Radhakrishnan

... Petitioner

-Vs-

1.The Agriculture Production Commissioner
and Secretary to Government,
Department of Agriculture,
Secretariat, Chennai-600 009.

2.The Director of Agriculture,
Chepauk, Chennai-600 005.

3.The Joint Director of Agriculture,
Tallakulam, Madurai-625 002.

4.The Assistant Director of Agriculture,
T.Kallupatti, Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the charge memo, vide No.Pa.O.Na.4/880-47/2000, dated 21.12.2001, issued by the second respondent and the charge memo, dated 17.06.2004, and the charge memo, dated 13.08.2004, issued by the third respondent, and the suspension order vide No.DCS2(2)/88047/2000-1 dated 26.02.2015 and the order not permitting to retire, vide No.DCS2(2)/88047/2000-2, dated 26.02.2015, passed by the second respondent and quash the same and further to direct the respondents to reinstate the petitioner and to permit the petitioner to retire from service on 28.02.2015 being the date of superannuation and to disburse to the petitioner all retirement benefits including pension.

For Petitioner : Dr.D.Gnanasekaran

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.



ORDER

The learned counsel appearing on behalf of the writ petitioner fairly made a submission that during the pendency of the Writ Petition, the enquiry proceedings were concluded and the enquiry officer also had submitted his report. However, the discipline authority has not passed any final orders so far.

2.This Court is of an opinion that the charge memo was issued against the writ petitioner and certain allegations are set out. Undoubtedly, the allegations in the charge memo are serious in nature.

3.However, the learned counsel appearing on behalf of the writ petitioner made a submission that enquiry had already been concluded and report also was submitted by the enquiry officer. Thus, it is suffice, if a direction is issued to pass final orders in the departmental disciplinary proceedings.

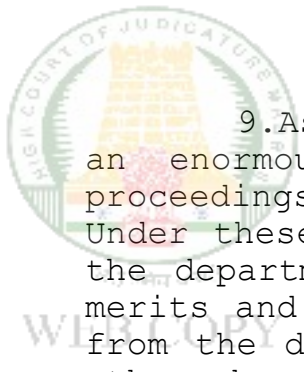
4.However, it is brought to the notice of this Court that another charge memo was issued in proceeding dated 24.07.2018.

5.The learned Additional Government Pleader appearing on behalf of the respondents states that four set of charge memorandums are pending against the writ petitioner and he was not allowed to retire from service.

6.This Court is of an opinion that on initiation of departmental disciplinary proceedings, the authorities competent must ensure that all such proceedings are concluded as expeditiously as possible without causing any undue delay. Long pendency of the departmental disciplinary proceedings would cause prejudice to the interest of the Government employees.

7.In the present case, on account of pendency of the charge memos, the writ petitioner is unable to get his terminal and pensionary benefits. Equally, the charges are also to be enquired into and the authorities competent must conclude the enquiry proceedings, take a decision and pass orders on merits without causing any undue delay.

8.This being the principles to be followed, this Court is of an opinion that the departmental disciplinary proceedings initiated against the writ petitioner must be continued in all respects and all the charge memorandums are to be enquired into by following the procedures contemplated under the rules and by affording opportunity to the writ petitioner and final order is to be passed as expeditiously as possible.



9.As far as the present Writ Petition is concerned, there is an enormous delay in concluding the departmental disciplinary proceedings. Now, that enquiry proceedings were already completed. Under these circumstances, the respondents are directed to conclude the departmental disciplinary proceedings and pass final orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. As far as the other charge memorandums are concerned, it is needless to state that the respondents should conclude the said charge memorandums also and pass final orders as expeditiously as possible.

10.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1.The Agriculture Production Commissioner
and Secretary to Government,
Department of Agriculture,
Secretariat, Chennai-600 009.

2.The Director of Agriculture,
Chepauk, Chennai-600 005.

3.The Joint Director of Agriculture,
Tallakulam, Madurai-625 002.

4.The Assistant Director of Agriculture,
T.Kallupatti, Peraiyur Taluk,
Madurai District.

+1 CC to M/s.DR.D.GNANA SEKARAN, Advocate (SR-83654[F] dated 27/08/2019)

+1 CC to M/s.SPL GP (SR-83984[F] dated 28/08/2019)

W.P. (MD)No.3659 of 2015
27.08.2019

MYR

MS/16.09.2019/3P.7C