

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Eighth day of January Two Thousand Twenty

PRESENT

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

WMP No.2079 of 2020

in WP.No.1796 of 2020

K.S.ENIAN, [PETITIONER]
S/O. K.M. SUBBARAYAN, (FORMERLY ASSISTANT
DIRECTOR OF AGRICULTURE, MADHURANTHAGAM,
KANCHIPURAM DISTRICT), RESIDING AT NO.84,
SECOND STREET, MIN NAGAR, KANCHIPURAM,
KANCHIPURAM DISTRICT -631 501.

Vs

1 THE AGRICULTURAL PRODUCTION, [RESPONDENTS]
COMMISSIONER AND THE PRINCIPAL SECRETARY TO
THE GOVERNMENT, AGRICULTURE (VE.NEE.7)
DEPARTMENT, SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600009

2 THE DIRECTOR OF AGRICULTURE,
KAMARAJ SALAI, CHEPAUK, CHENNAI - 600005

3 THE DIRECTOR OF SEED CERTIFI
CATION AND ORGANIC CERTIFICATION, 1424A,
THADAGAM ROAD, G.C.T. POST, COIMBATORE 641013

4 THE JOINT DIRECTOR OF AGRICULTURE,
PANJUPETTAI COMPLEX, PANJUPETTAI,
KANCHIPURAM 631502

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the respondents herein to disburse (i) the Encashment of Earned leave, (ii) Encashment of unearned leave on private affairs, (iii) Retiral benefits such as DCRG, (iv) commuted value of pension (v) arrears of salary and all other due service and monetary benefits due to the petitioner after with holding a sum of Rs.3000/- from the total retiral benefits towards the impugned penalty without prejudice to his contention and right to challenge the penalty in this above writ petition within a short date that may be fixed by this Hon'ble Court (in WMP.No.2079/2020)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.RAJKUMAR, Advocate for the petitioner and of M/S.P.S.SIVASHANMUGUSUNDARAM, Special Government Pleader on behalf of the Respondents the court made the following order:-

It is seen from the impugned order passed by the 1st respondent that a punishment of withholding the pension at the rate of Rs.500/- per month for a period of six months has been imposed against the petitioner. This order is the subject matter of challenge in the present writ petition. The effect of the impugned order is that the petitioner will not be entitled for a total sum of Rs.3000/- (Rs.500 x 6 months) and the petitioner will be entitled for all the other retiral benefits. Therefore, even if the writ petition is dismissed, only a sum of Rs.3000/- can be withheld and the balance amount will be disbursed to the petitioner.

2.In view of the above, this Court is inclined to consider the relief sought for by the petitioner in this petition filed before this Court, wherein the petitioner has sought for a direction to the respondents to disburse the encashment of Earned Leave, Unearned leave on private affairs and other retirement benefits such as DCRG, commuted value of pension and arrears of salary.

3.The 2nd respondent is directed to take note of the impugned order passed by the 1st respondent and after retaining a sum of Rs.3000/- from the retirement benefits, he shall pass appropriate orders for disbursement of the other retirement benefits claimed by the petitioner. The 2nd respondent shall pass appropriate orders in this regard, within a period of six weeks from the date of receipt of copy of this order.

4.This writ miscellaneous petition is disposed of accordingly.

-sd/-
28/01/2020

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE AGRICULTURAL PRODUCTION,
COMMISSIONER AND THE PRINCIPAL SECRETARY TO
THE GOVERNMENT, AGRICULTURE (VE.NEE.7)
DEPARTMENT, SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600009

2 THE DIRECTOR OF AGRICULTURE,
KAMARAJ SALAI, CHEPAUK, CHENNAI - 600005

3 THE DIRECTOR OF SEED CERTIFI
CATION AND ORGANIC CERTIFICATION, 1424A,
THADAGAM ROAD, G.C.T. POST, COIMBATORE 641013

4 THE JOINT DIRECTOR OF AGRICULTURE,
PANJUPETTAI COMPLEX, PANJUPETTAI,
KANCHIPURAM 631502

C.C. to M/S.K.RAJKUMAR Advocate, SR.No.956.

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.2079/2020

in
WP.No.1796/2020

Date :28/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(06/02/2020)

WEB COPY