

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.16275 of 2010

R.Perumal

.. Petitioner

-vs-

The State of Tamil Nadu,
rep. by its Secretary to Government
(Agriculture Department),
The Agricultural Production Commissioner
Secretariat, Chennai-9.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified mandamus calling for the records of the respondent relating to orders in G.O. (3D) No.205, Agriculture (AA.2) Department dated 16.12.2009 quash the same and to issue consequential directions to the respondent to refund recoveries made from the monthly pension of the petitioner along with interest.

For Petitioner: Mr.M.Ravi

For Respondent: Mr.K.Magesh
Special Government Pleader

ORDER

The writ petition has been filed challenging the Government Order in G.O. (3D) No.205, Agriculture (AA.2) Department dated 16.12.2009 and seeking a direction to the respondent to refund the recoveries made from the monthly pension of the petitioner along with interest.

2.Learned counsel appearing for the petitioner would submit that the petitioner joined the Agricultural Department on 09.12.1971 as Field Demonstration Officer and he was promoted as Assistant Agricultural Officer on 06.08.1982 and further promoted to the post of Selection Grade Assistant Agricultural

Officer on 09.08.1992 and to the post of Special Grade Assistant Agricultural Officer on 07.08.2002. While so, he was issued with the Disciplinary Proceedings in TDP 2/2006 and the same was re-numbered as TDP 18/2008, when the petitioner was having few years to demit his service. Thereafter, he came to this Court with a Writ Petition in W.P. No.22826 of 2008 seeking a direction to the Commissioner, Tribunal of Disciplinary Proceedings, Chennai to conclude the TDP 18/2008 pending on the file of the Disciplinary Proceedings Tribunal, Chennai and send the report to the Additional Director of Agriculture, Chennai. This Court, by order dated 18.09.2008, directed the Tribunal of Disciplinary Proceedings, Chennai, third respondent therein to complete the TDP Proceedings pending against the petitioner within a period of six months. But, the third respondent has failed to comply with the order passed by this Court. Therefore, the petitioner again came to this Court with another Writ Petition in W.P. No.8900 of 2009 with a similar prayer for expeditious disposal of the Disciplinary Proceedings in TDP 18/2008 pending on the file of the Commissioner, Tribunal for Disciplinary Proceedings, Chennai. This Court, vide order dated 14.05.2009, referring to the earlier order passed by this Court in W.P. No.22826 of 2008, directed the Commissioner, Tribunal for Disciplinary Proceedings, Chennai to conclude the Proceedings and submit a report to the Secretary to Government, Agricultural Production Commissioner, Chennai, who was also directed to pass final orders, on merits and in accordance with law on or before 31.08.2009.

3.In the meanwhile, the petitioner was permitted to retire from service on the date of superannuation on 30.06.2009. Thereafter, the Government has passed a Government Order in G.O. (3D) No.205, Agriculture (AA2) Department, dated 16.12.2009 imposing a cut of Rs.500/- per month in the monthly pension of the petitioner for a period of one year. Challenging the same, the petitioner is before this Court.

4.Counter affidavit has been filed by the respondent stating that after receiving the Enquiry Report from the Tribunal for Disciplinary Proceedings, Chennai, the Government, on examination of the case with the said report, concluded that the charges are proved against the petitioner in the enquiry. For the said proven charges, the petitioner was punished with a cut of pension of Rs.500/- per month for a period of one year vide G.O. (3D) No.205, Agriculture (AA2) Department dated 16.12.2009.

5.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

6.Since it was submitted by the learned Special Government Pleader appearing for the respondent that the said

amount has already been recovered by the respondent, nothing survives for further adjudication in the petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-III-MDU)

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Sub Assistant Registrar

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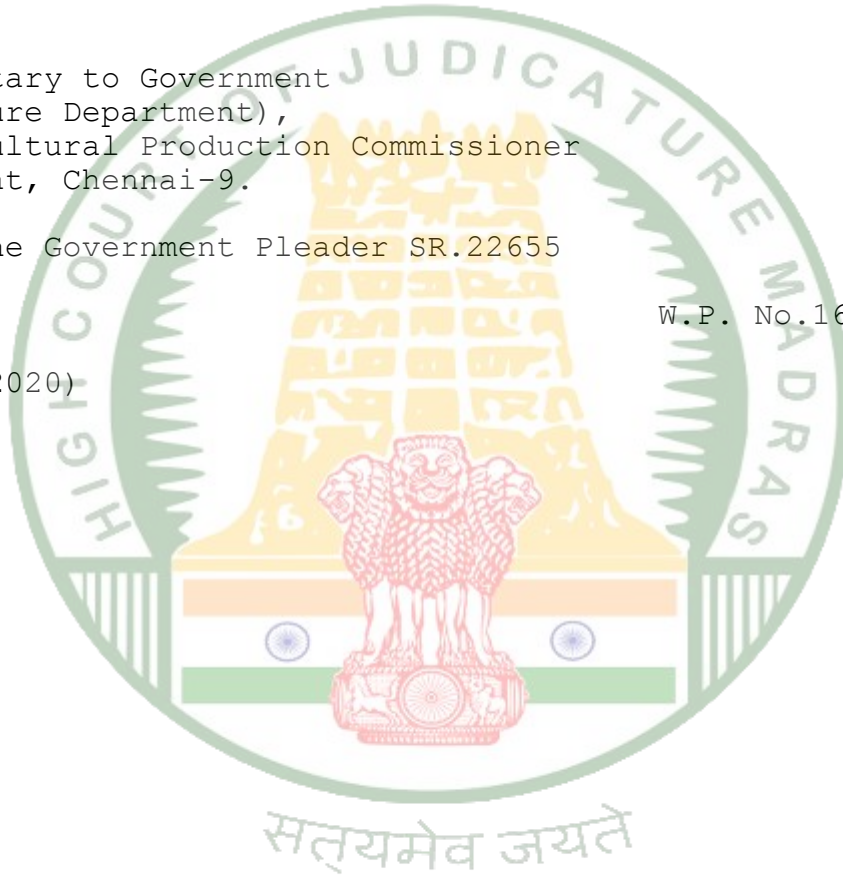
To

The Secretary to Government
(Agriculture Department),
The Agricultural Production Commissioner
Secretariat, Chennai-9.

+1cc to the Government Pleader SR.22655

W.P. No.16275 of 2010

LN (CO)
CB (19/06/2020)



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