

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.19034 of 2014

S.Haridaran

...Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Agriculture Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai 600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st Respondent to pass orders on the Review Petition filed by the Petitioner dated 15.09.2012 to review the punishment imposed by the 1st Respondent in G.O.(3D) No.98, Agriculture Department dated 07.08.2012 and to exonerate the Petitioner from the charges and to reinstate the Petitioner into service with all consequential and other attendant benefits, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

(This case has been heard through video conferencing)

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to pass orders on the Review Petition dated 15.09.2012 filed by him, to review the punishment imposed by the 1st Respondent in G.O.(3D) No.98, Agriculture Department dated 07.08.2012 and to exonerate him from the charges and to reinstate him into service with all consequential and other attendant benefits.

2. According to the Petitioner, he was initially appointed as Assistant Agricultural Officer in the year 1981. Subsequently, he was promoted to the post of Agricultural Officer by recruitment by transfer in the year 1991. Thereafter, he was posted as Agricultural Development Officer in Sankarapuram in the year 1992. In the year 2005, the Petitioner was issued with a Charge Memo dated 17.08.2005 by the 2nd Respondent on the ground that, there was lack of supervision on his part as regards maintenance of Cash Book and Bill Book due to Depot Manager. Denying the said charges, the Petitioner submitted his explanation. Thereafter, an enquiry was conducted and final orders were passed by the 1st Respondent in G.O.(3D) No.98, Agriculture Department dated 07.08.2012, imposing the punishment of compulsory retirement against the Petitioner.

3. Challenging the punishment imposed on him, the Petitioner preferred a Review Petition dated 28.01.2012 under Rule 20 of Tamil Nadu Civil Services (D & A) Rules, 1955. Pending consideration of the said Review Petition, the Petitioner was sent out of service by way of compulsory retirement, without even settlement of his retirement benefits. Thereafter, on compulsion of the Authorities, the Petitioner, by a letter dated 24.05.2013, withdrew the Review Petition and accordingly, requested the Authorities to settle the retirement benefits immediately.

4. However, as he was inflicted with the punishment of compulsory retirement without any just reason, the Petitioner made a Statutory Review Petition to the 1st Respondent on 15.09.2012. As no orders are passed on the said Review Petition, having no other alternative, the Petitioner is before this Court by way of the present Writ Petition.

5. Learned counsel for the Petitioner submitted that, the Petitioner withdrew the earlier Review Petition dated 28.01.2012 only on the compulsion of the Authorities, so as to receive the retirement benefits due to him. However, he pleaded that, the Petitioner may be permitted to re-submit his Review Petition challenging the infliction of punishment of compulsory retirement and that, the same may be directed to be considered by the Authorities, within a reasonable time.

6. Learned Special Government Pleader appearing for the Respondents submitted that, the retirement benefits due to the Petitioner were settled to him, as early as in the year 2018 itself. He further submitted that, if any fresh Review Petition is filed by the Petitioner challenging the punishment imposed, the same would be considered by the Authorities in accordance with law.

7. Having regard to the submissions made by the learned counsel on either side, this Court holds that, the Petitioner is at liberty to pursue the Review Petition before the 1st Respondent herein and if he so intends, he shall submit a fresh Review Petition in respect of his grievance to the 1st Respondent herein, within a period of two weeks from the date of receipt of a copy of this order. On receipt of fresh Review Petition, the 1st Respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To:

1. The Secretary to Government,
State of Tamil Nadu,
Agriculture Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner of Agriculture,
Chepauk,
Chennai 600 005.

+1cc to Mr.G.Sankaran, Advocate, SR.No.37091
+1cc to Government Pleader, SR.No.37181

W.P.No.19034 of 2014

KK(CO)
KKV/27/11/2020

WEB COPY