



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.3266 of 2015

and

M.P(MD) .Nos.1 and 2 of 2015

and WMP (MD) .No.23019 of 2018

S.P.Thiyagarajan

... Petitioner

vs.

- 1.The State of Tamil Nadu
Represented by its Principal Secretary to Government
Horticulture Department
Secretariat, Chennai
 - 2.The Director of Horticulture and Plantation Crops
Chepauk, Chennai 600 005
 - 3.The Deputy Director of Horticulture
Office of the Deputy Director of Horticulture
Collectorate Complex
Canteen Building Upstairs
Sivagangai
 - 4.The Deputy Director of Horticulture
Office of the Deputy Director of Horticulture
Kattupudukulam Road
Joint Director of Agriculture Complex
Pudukottai
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, to call for the records relating to the impugned charge memo passed by the second respondent in his proceedings in No.9513/22896/2014 dated 25.02.2015 (served to the petitioner on 04.03.2015) and quash the same as illegal.

For Petitioner : Mr.S.C.Herold Singh
For M/s.Ajmal Associates

For Respondents : Mr.S.Dhayalan
Government Advocate



O R D E R

The Writ petition has been filed to call for the records relating to the impugned charge memo passed by the second respondent in his proceedings in No. ௨௪௩3/22896/2014 dated 25.02.2015 (served to the petitioner on 04.03.2015) and quash the same as illegal.

2. The learned counsel for the petitioner would submit that this Court in M.P(MD).No.2 of 2014 in W.P(MD).No.16463 of 2014 by an order dated 30.09.2014 has granted an order of interim stay of impugned order passed by the third respondent, dated 31.10.2013 and on the same set of facts as mentioned in W.P(MD).No.16463 of 2014, the second respondent has issued a charge memo in his proceedings in No. ௨௪௩3/22896/2014 dated 25.02.2015. Therefore, he prays to set aside the impugned charge memo, dated 25.02.2015.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. Perusal of record shows that when there was a stay pending before this Court, the charge memo has been issued by the second respondent, dated 25.02.2015 on the same set of facts as mentioned in W.P(MD).No.16463 of 2014, is unsustainable. Therefore, in this circumstance, the charge memo, dated 25.02.2015 shall be deferred till the disposal of the show cause notice in the recovery proceedings as ordered by this Court in W.P(MD).No.16463 of 2014.

5. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1. The Principal Secretary to Government
State of Tamil Nadu
Horticulture Department
Secretariat, Chennai



2.The Director of Horticulture and Plantation Crops
Chepauk, Chennai 600 005

3.The Deputy Director of Horticulture
Office of the Deputy Director of Horticulture
Collectorate Complex
Canteen Building Upstairs
Sivagangai

4.The Deputy Director of Horticulture
Office of the Deputy Director of Horticulture
Kattupudukulam Road
Joint Director of Agriculture Complex
Pudukottai

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-8092[F] dated
25/02/2020)

W.P. (MD) No.3266 of 2015

and

M.P (MD) .Nos.1 and 2 of 2015
and WMP (MD) .No.23019 of 2018

25.02.2020

MR (CO)

TR (26.05.2020) 3P 5C