



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

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THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.23114 of 2021

and

W.M.P.Nos.24366 & 24373 of 2021

(Through Video Conferencing)

D.Murugan

... Petitioner

Vs

1. The Agricultural Production,
Commissioner and Principal
Secretary to Government,
Agriculture (AA2) Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Agriculture,
Agriculture Directorate Building,
Kamarajar Salai, Chepauk,
Chennai - 600 005.
3. The Joint Director of Agriculture,
1422A, Thadagam Road,
G.C.T. Post, Coimbatore - 641 013.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of deemed suspension made in G.O(D) No.118, Agriculture (AA2) Department dated 30.05.2018 passed by the Agricultural Production Commissioner and Principal Secretary to Government, the first respondent herein, quash the same and direct the respondents herein to forthwith reinstate the petitioner in service as Assistant in the office of the Joint Director of Agriculture, Coimbatore or any other sister department of the Agriculture department at Coimbatore functioning under the control of the first respondent in Coimbatore with all consequential service and monetary benefits such as arrears of salary regularisation of the period of suspension, sanction of due increments due to the petitioner.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

The petitioner was serving as an Assistant in the office of the Joint Director of Agriculture, Coimbatore and was placed under suspension with effect from 22.05.2018 vide order dated 30.05.2018. The petitioner was also arrested and thereafter released after the bail was granted by the Special Court for Vigilance and Anti Corruption cases, Coimbatore by an order dated 19.06.2018.

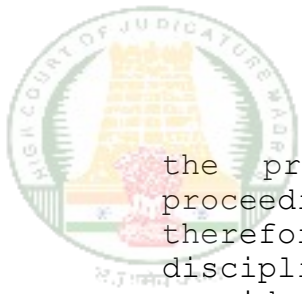
2.The learned counsel for the petitioner submits that though the petitioner was placed under suspension on 30.05.2018, the department have not proceeded with the departmental proceedings by issuing appropriate charge memo. He further submits that the petitioner waited for these years for the department to collect the evidence. He therefore submits that the petitioner was merely an Assistant and had no roles in issuing NOC for converting Agricultural Land in to the housing plot and therefore the complaint against the petitioner by the complainant Mr.Ashok Kumar was mis-conceived. He submits that pro-longed period of suspension is unwarranted and therefore the impugned order dated 30.05.2018 is liable to be quashed.

3.The learned Government Advocate for the respondent submits that the criminal proceedings are in the advanced stage and therefore the respondents are unable to proceed any further disciplinary proceedings. He therefore submits that the petitioner cannot be reinstated into the service at this point of time.

4.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the impugned suspension order and considered the decision of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India, (2015) 7 SCC 291.

5.The petitioner has been placed under suspension for a prolonged period of time since May 2018. The respondents are duty bound to issue appropriate charge memo in the disciplinary proceedings within a period of three months from the date of suspension.

6.Considering the same, this writ petition is disposed by directing the respondents to initiate the appropriate disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. In case, no disciplinary proceedings are not initiated against the petitioner within the aforesaid period, the respondent shall reinstate into the service in any non sensitive posts where the petitioner are either tamper with the evidence against him in



the proposed departmental proceedings or in the criminal proceedings which is at the advanced stage. The petitioner is therefore directed to co-operate with the respondent in the disciplinary proceedings. The respondents may also independently consider reinstating the petitioner into services as above, if such reinstatement of the petitioner will not cause any administrative difficulty or inconvenience during the pendency of the proposed disciplinary proceedings.

7.This Writ Petition stands disposed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Commissioner and Principal
Secretary to Government,
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1422A, Thadagam Road,
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+1cc to Mr.K.Rajkumar, Advocate, S.R.No.55482
+1cc to the Government Pleader, S.R.No.55829

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PCH(CO)
CT 03/12/2021