



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 6159 of 2019

and

W.M.P.(MD) No. 4919 of 2019

Madan Mohan Paul Subbiah

... Petitioner

-vs-

1. Agricultural Production Commissioner
And Principal Secretary to Government,
Fort St. George, Chennai - 09.

2. The Director of Agriculture,
Chepauk, Chennai.

3. The Joint Director of Agriculture,
Pudukottai.

4. The Joint Director of Agriculture,
Theni - 625 531.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ or order or direction in the nature of Writ of ***Certiorarified Mandamus*** calling for the records of the impugned letter issued by the 1st respondent dated 29.01.2019 bearing No.30883/AAI/2018-2 and quash the same and directing the respondents to include the petitioner's name in the seniority panel of the Assistant Director of Agriculture.

For Petitioner : Mr.R. Saravanan

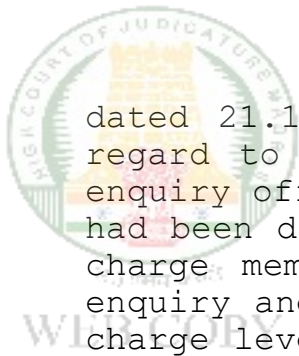
For Respondents : Mr. S.Shanmugavel

Standing Counsel for State

O R D E R

This writ petition has been filed challenging the impugned seniority panel, dated 29.01.2019, passed by first respondent, wherein the petitioner's name was not included for promotion for the post of Assistant Director of agriculture, on the ground that the petitioner has faced charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules.

2. The learned counsel appearing for the petitioner would submit that the writ petitioner was served as Agricultural Officer at Anna Pannai from 01.07.1998 to 30.06.2000. The second respondent has framed two charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules. He would further submit that one charge memo, dated 11.10.2004, bearing No.DCS1/(4)/114490, was issued with regard to Profit and Loss and the second charge memo



dated 21.10.2004, bearing No.DCS1/(4)/114490/2004, was issued with regard to the Audit paras. Though, enquiry was conducted by the enquiry officer on the second charge memo dated 21.10.2004, the same had been dropped. He would further submit that as far as the first charge memo, dated 11.10.2004, the enquiry officer has conducted enquiry and submitted his report on 01.06.2006, by stating that the charge levelled against the petitioner was proved only based on the audit report. He would further submit that, though the enquiry officer has submitted his report on 01.06.2006, so far no order has been passed by the first respondent.

3. He would further submit that, in the meantime, the first respondent has prepared and published the impugned seniority panel, dated 29.01.2019, wherein, the petitioner's name was not considered for promotion for the post of Assistant Director of Agriculture, on the ground that the charges framed against the petitioner under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules, is pending. The petitioner has submitted his representations, dated 20.12.2017 & 24.10.2018 to the Government, seeking to pass final order based on the report of the enquiry officer with regard to the first charge memo dated 11.10.2004. However, till date no orders have been passed. Hence, the petitioner has come out with the present Writ Petition. and the same is pending before the authorities concerned without passing any final order.

4. The second respondent has filed the counter affidavit and based on the same, the learned Counsel for the State would submit that all the efforts have been taken by the authorities to conclude the disciplinary proceedings and the Government has sought some clarifications from the subordinate authorities. He would further submit that the respondents have not included the petitioner's name in the impugned seniority panel, dated 29.01.2019, which was prepared for promotion to the post of Assistant Director of Agriculture for the year 2018-2019, in view of the first charge memo, dated 11.10.2004 framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules, is pending.

5. Considering the aforesaid submission of the parties concerned and by taking note of the enquiry report, dated 01.06.2006 as well as the G.O.(Ms). No.255 dated 13.10.2017, this Court is inclined to pass the following orders:

(i) The first respondent is directed to pass final orders based on the enquiry report, dated 01.06.2006 for the first charge memo, dated 11.10.2004, on merits and independently, in accordance with law, without being influenced by any of the observations in the order passed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> (ii) The first respondent is also directed to pass



final orders, within a period of twelve weeks from the date of receipt of copy of the order.

(iii) It is made clear that, if the first respondent will pass any final order, the same shall be communicated to the petitioner, forthwith.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. Agricultural Production Commissioner
And Principal Secretary to Government,
Fort St. George, Chennai - 09.
2. The Director of Agriculture,
Chepauk, Chennai.
3. The Joint Director of Agriculture,
Pudukottai.
4. The Joint Director of Agriculture,
Theni - 625 531.

+1 CC to M/s.R. SARAIVANAN, Advocate (SR-26722[F] dated 19/08/2021)

+1 CC to M/s.SPL GP (SR-26765[F] dated 19/08/2021)

W.P.(MD) No.6159 of 2019 and
W.M.P.(MD) No. 4919 of 2019
18.08.2021

AC (CO)

KB(01.09.2021) 3P 7C

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