



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.3142 OF 2021

S.Murali Babu

... Petitioner

Vs.

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.

2. The Joint Director of Agriculture,
Thallakulam,
Madurai District.

... Respondents

Prayer:

Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pass orders on the representation of the petitioner dated 07.01.2021, requesting to set aside the order of suspension dated 23.03.2020 and charge memo dated 10.03.2020 and further to permit to retire peacefully and grant all retirement dues along with interest.

For Petitioner : MS.T.Aananthi

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to pass orders on the representation of the petitioner dated 07.01.2021, requesting to set aside the order of suspension dated 23.03.2020 and charge memo dated 10.03.2020 and further to permit to retire peacefully and grant all retirement dues along with interest.

2. The case of the petitioner in brief:

The case of the writ petitioner is that the petitioner was working as Agricultural Officer in the respondent department and he was suspended from service on 28.03.2020 on the ground that



he has involved in a criminal case in C.C.No.258/2018 on the file of the Judicial Magistrate No.IV, Madurai. The respondent department has also initiated proceedings in respect of other charges not relating to the criminal case. At the time of retirement, a charge memo has been issued to the petitioner for pending Audit clearance and he approached the concerned officer with necessary files and the Audit objections were cleared. Further, an enquiry officer was appointed and the petitioner has attended the enquiry and submitted his oral and written explanation. After the enquiry proceedings was completed, no order has been passed. Therefore, the petitioner sent a representation to the respondents to issue final orders in the disciplinary case and also to issue pensionary benefits and interest for the death cum retirement gratuity, but the same was not considered till date. Therefore, the petitioner has filed this writ petition seeking to conclude the departmental proceedings and pass final orders without prejudice to the criminal case in C.C.No.258 of 2018 on the file of the Judicial Magistrate No.IV, Madurai.

3. The learned Special Government Pleader submitted that the representation of the petitioner was duly considered with reference to the rules in force and orders in force and since two disciplinary cases and one criminal case in C.C No.258 of 2018 on the file of the Judicial Magistrate No.IV, Madurai, are pending against the petitioner, the request of the petitioner could not be feasible for compliance.

4. The learned counsel appearing for the petitioner submitted that when the criminal case is pending, where the petitioner has been placed under the suspension, it is for the authority to consider and take appropriate decision by considering the petitioner's representation dated 07.01.2021.

5. Accepting the aforesaid contention raised by the learned counsel for the petitioner, this Court is inclined to direct the respondents to consider the petitioner's representation dated 07.01.2021 in respect of suspension order and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

ata/uma

Sub Assistant Registrar



To

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.

2. The Joint Director of Agriculture,
Thallakulam, Madurai District.

W.P.No.3142 of 2021

PL (CO)
PM/31/03/2022