



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6641 of 2022

and

W.M.P.Nos.6724 & 6725 of 2022

K.Rasu

... Petitioner

Vs.

1. The Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Secretariat, Fort St. George, Chennai - 600 009.
2. The Director of Agriculture, Directorate of Agriculture, Kamarajar Salai, Chepauk, Chennai - 600 005.
3. The Commissioner of Horticulture and Plantation Crops (FIC), Directorate of Horticulture, Kamarajar Salai, Chepauk, Chennai - 05.
4. The Additional Director of Horticulture cum Enquiry Officer, Directorate of Horticulture, Kamarajar Salai, Chepauk, Chennai - 600 005.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the Agricultural Production Commissioner and Secretary to Government, the 1st respondent herein to pass final orders in the Disciplinary Proceedings initiated pursuant to the issue of charge memo in ref.No.Oo.Na.P1/ 1315/2018 dated 25.01.2018 and submission of the Enquiry report by the fourth respondent to the first respondent herein within a time frame fixed by this Court failing which a conditional order may be passed that the impugned disciplinary proceedings shall stand abated or dropped or quashed automatically as laid down by this Court in 2006 (3) MLJ 80 and direct the respondents herein to allow the petitioner to retire from service on his release from last day suspension and retention in service with all consequential service,



retiral, pensionary benefits etc., within a time frame fixed by this Court.

For Petitioner : Mr.K.Rajkumar

WEB COPY

For Respondents: Mrs.S.Anitha
Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to issue Writ of Mandamus, directing the first respondent to pass final orders on he disciplinary proceedings initiated against the petitioner.

3. The case of the petitioner in brief:

The petitioner, formerly Deputy Director of Agriculture (Plant Protection) has reached the age of superannuation on 31.01.2018. However, he was placed under suspension and not permitted to retire from service and disciplinary proceedings was initiated by framing charges under Rule 17(b) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules vide charge memo dated 25.01.2018. An enquiry officer was appointed and he submitted his report. The petitioner was called upon to give explanation on the findings of the enquiry report. The petitioner also submitted his explanation on 29.10.2021 to the first respondent. However, till now, no final order has been passed. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that, appropriate direction may be given to the respondents, to pass the final orders on the disciplinary proceedings initiated against the petitioner.

5. The learned Special Government Pleader submitted that the disciplinary proceedings would be concluded and final orders would be passed by the authorities concerned on its own merits, within a time frame, as fixed by this court.

6. Inview of the above submission and also considering the limited scope of prayer, without expressing any opinion on merits, this is inclined to pass the following order.

i) The first respondent is directed to pass final orders on the disciplinary proceedings initiated against the petitioner under 17(b) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules, on its own merits and in accordance with law, as



early as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. consequently, connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Agriculture Production Commissioner
and Principal Secretary,
Agriculture Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Agriculture,
Directorate of Agriculture,
Kamarajar Salai, Chepauk,
Chennai - 600 005.
3. The Commissioner of Horticulture,
Directorate of Horticulture,
Kamarajar Salai, Chepauk,
Chennai - 05.
4. The Additional Director of Horticulture
-cum- Enquiry Officer,
Directorate of Horticulture,
Kamarajar Salai, Chepauk,
Chennai - 600 005.

+1cc to Mr.K.Rajkumar, Advocate, S.R.No.18991
+1cc to the Special Government Pleader, S.R.No.19526

W.P.No.6641 of 2022 and
WMP No.6724, 6725 of 2022

SKM(CO)
CT 05/04/2022