



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9904 of 2022

A.Parameswaran

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Agricultural Production
Commissioner and Secretary to Government,
Agricultural Department, Fort St.George,
Chennai - 600 009.
2. Director, Department of Horticulture and
Plantation Crops, Ehilagam, Chepauk,
Chennai - 600 005.
3. The Joint Director of Horticulture,
Dharmapuri.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the appeal preferred by the petitioner dated 16.11.2020 against the order of the 2nd respondent dated 03.11.2020 imposing the punishment of stoppage of increment without cumulative effect on its merits and in accordance with law.

For Petitioner : Mr.R.Kamatchi Sundaresan

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

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

2. The case of the petitioner in brief:



The petitioner is working as Assistant in the 3rd respondent department. The petitioner was issued charge memo dated 18.06.2018 under Rule 17(b) of the Tamil Nadu Subordinate Service Rules containing four charges and he gave explanation. However, enquiry was conducted, and the enquiry officer filed his report stating that the charge No.2 to 4 were proved. The findings of the enquiry officer was accepted by the second respondent in a mechanical manner and issued a punishment order dated 03.11.2020, stopping increment for one year without cumulative effect. Therefore, the petitioner has preferred an appeal before the 1st respondent on 16.11.2020, raising various grounds. When the appeal was pending, the second respondent has given effect to the order of punishment dated 03.11.2020, by stopping increment, which was due on 01.07.2021 and the punishment itself will be over by 30.06.2022. However, the said appeal is pending till date, no order has been passed, which affected the petitioner's further promotion to the post of Superintendent. Hence, the petitioner filed this instant writ petition before this Court.

3. Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondents submitted that, if the said Appeal is in order, the same will be considered and disposed on its own merits and in accordance with law, within the time frame as prescribed by this Court.

4. In view of the aforesaid submission and considering the limited scope of prayer without expressing any opinion on merits, the following order is passed.

i) The 1st respondent is directed to consider the petitioner's Appeal dated 16.11.2020, if the Appeal papers are in order, and pass orders on its own merits, and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Secretary & Commissioner of Agricultural Production,
Agricultural Department,
Fort St.George,
Chennai - 600 009.

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

3.The Joint Director of Horticulture,
Dharmapuri.

+1 CC to Mr. Balan Haridas, Advocate sr 27930.

+1 CC to The Government Pleader sr 28395.

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CA(CO)
SP(11/05/2022)