



W.P.No.15698 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.7.2022

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.15698 of 2020
and W.M.P.No.19539 of 2020

A.Ravichandran

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Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Agricultural Production
Commissioner & Secretary to Govt.,
Agriculture (AA II) Department,
Chennai - 9.

2. The Director of Agriculture,
Chepauk, Chennai - 5.

3. The Joint Director of Agriculture,
Villupuram District.

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Respondents

Amended Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to his proceedings in G.O.(3D) No.85 dated 9.8.2021 and to call for the records of the second respondent pertaining to his proceedings No.DCS1/1/71678/ 2020 dated 21.8.2020 and quash both the orders as illegal and consequently, direct the respondents 1 and 2 to revoke the order of suspension and reinstate the petitioner with all consequential benefits.

For Petitioner

: Mr.K.Venkataramani,
Senior Counsel

For Respondents

: Mr.T.Arunkumar, A.G.P.



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ORDER

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Challenging the impugned suspension order dated 21.8.2020, the petitioner has preferred the present writ petition before this Court.

2. The learned Senior counsel appearing for the petitioner has submitted that the petitioner was placed under suspension vide Proc.No. DCS1/1/71678/2020 dated 21.8.2020 under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) rules on the ground that there is an enquiry into grave charges made against the petitioner. Subsequently, the petitioner submitted detailed representation to the second respondent seeking to revoke the order of suspension. On 4.9.2020, the petitioner was served with charge memo for enquiry in the disciplinary proceedings under Rule 17(b) of the TNCSDA Rules. The petitioner submitted reply to the charge memo and thereafter, enquiry officer has been appointed and the enquiry also has been completed in the last week. Further, it is stated that in respect of other delinquent officers viz., Rajasekar and Amudha, Assistant Directors who were also served with charge memo on the very same allegations, suspension order has been revoked by the respondent on 26.2.2020. Therefore, the petitioner seeks to revoke the impugned suspension order considering the revocation of similarly placed persons' suspension order.



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3. The learned Additional Government Pleader appearing for the respondents has submitted that the respondents will look into the charges levelled against the individual delinquent officer and the representation of the petitioner will be considered by the respondents after going into the involvement of the petitioner in the said charges levelled against the petitioner and take appropriate decision in this regard. Further, it is stated that an enquiry has been conducted by the CB CID and final report also has been filed against the petitioner before the criminal Court in case No.3 of 2020 for the offence punishable under Section 409, 420, 439, 468, 471 of I.P.C. and Sec.66 of I.T. Act, 2000.

4. In an identical issue, the Hon'ble Full Bench of this Court in ***W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022 [P.Kannan v. Commissioner of Municipal Administration, Chennai and Others]***, has held as under:

*“(i) The judgment of the Apex Court in the case of **Ajay Kumar Choudhary**, supra, does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges / charge-sheet has not been served within three months, or if memorandum of charges/charge -sheet is served without reasoned order of extension.*

*(ii) The judgment in **R.Balaji**, supra, has no reference to the earlier judgments of co-equal strength and is thereby*



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rendered per incuriam.

(iii) The issue of challenge to the order of suspension should be analyzed on the facts of each case, considering the gravity of the charges and the rules applicable.

(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive post cannot be endorsed or directed as a matter of course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.”

5. In the light of the above, this Court directs the second respondent to consider the petitioner's representation dated 7.10.2020 seeking revocation of the suspension order, in the light of Full Bench decision of this Court cited supra and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is entitled for subsistence allowance during the suspension period. Liberty to given to the petitioner to approach the authority concerned for subsistence allowance.

6. With the above directions, this Writ Petition stands disposed off. No Costs. Connected miscellaneous petition is closed.

12.7.2022



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Speaking / Non-Speaking order

Index:Yes/No

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To

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2. The Director of Agriculture, Chepauk, Chennai - 5.
3. The Joint Director of Agriculture, Villupuram District.



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D.KRISHNAKUMAR,J.

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