



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.14401 OF 2014

AND

M.P.NOS.1 OF 2014 AND 1 OF 2015

S.Kavitha

... Petitioner

.Vs.

1. Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The Commissioner of Agriculture,
Chepauk, Chennai - 600 005.

3. The Joint Director of Agriculture,
No.8, Deivanaiammal Lay out,
Dharapuram Road, Tirupur - 8.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the proceedings in 3rd respondent Se.Mu.No.E2.640/2012 dated 05.05.2014 to quash the same.

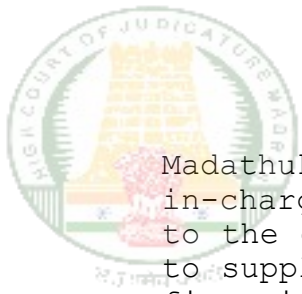
For Petitioner : Mr.V.Veeraraghavan

For R1 to R3 : Mrs.S.Anitha
Special Government Pleader

ORDER

The proceedings of the 3rd respondent dated 05.05.2014 fixing liability for the expired ungerminated seeds is under challenge in the present writ petition.

2. The petitioner is working as Agriculture Officer. When the petitioner was working as Agriculture Officer at the



Madathukulam from 29.05.2009 to 03.07.2012, she was appointed as in-charge of Farm Manager of State Seed farm at Pappankulam. Due to the expiry of period the seeds became ungerminated and unable to supply to the farmers within the time. Therefore, there was a financial loss to the State and actions were initiated to recover the financial loss. The 3rd respondent passed the impugned order for recovery fixing liability of two officials namely Agriculture Officer and Assistant Agriculture Officer.

3. The learned counsel for the petitioner mainly contended that as per the Agricultural Departmental Manual, the Joint Director of Agriculture mainly in-charge of the State Seed farm and undertakes supervisory and manufacturing unit of the State Seed farm formulates appropriate proposals for the improvement in the working conditions. More specifically, Chapter VIII of the Manual deals with the activities of the department and Clause 8 stipulates administration and technical control. When the responsibility is fixed on the Joint director of Agriculture for effective control of the State Seed farms, the said Official is also responsible for expiry of seeds, which became ungerminated.

4. The learned counsel for the writ petitioner contended that the Joint Director of Agriculture is not an appropriate authority to pass order of recovery as he is also responsible for financial loss to the State Exchequer. In order to circumvent his liability the 3rd respondent Joint Director passed an impugned order of recovery only against the petitioner and other official namely Assistant Agricultural officer. Thus, the order impugned is infirm and in violation of Agricultural Departmental Manual.

5. Perusal of the order impugned reveals that the Joint Director of Agriculture, who is also having administrative and technical control over the said seed farm is responsible and therefore, his liability, if any, on the part of the Joint Director of Agriculture is also to be considered by the Head of the Department. In such circumstances, the Commissioner of Agriculture would be the appropriate authority to conduct an enquiry and verify the records and pass appropriate orders.

6. This being the factum established the order impugned in Se.Mu.No.E2/640/2012 dated 05.05.2014 passed by the 3rd respondent/the Joint Director of Agriculture is quashed and the matter is remanded back to the 2nd respondent for fresh consideration. Considering the fact that the Joint Director of Agriculture is also having administrative and technical control over the State Seeds farms as per the Agricultural Departmental Manual.



7. Accordingly, the 2nd respondent/the Commissioner of Agriculture is directed to conduct an enquiry by affording opportunity to all the responsible officials and pass fresh orders on merits as expeditiously as possible and preferably within a period of 12 weeks from the date of receipt of a copy of this order.

8. With these directions, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jeni/Mrm

To

1. Agricultural Production Commissioner
and Secretary to Government,
Agriculture Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner of Agriculture,
Chepauk, Chennai - 600 005.
3. The Joint Director of Agriculture,
No.8, Deivanaiammal Lay out,
Dharapuram Road,
Tirupur - 8.

+1cc to Mr.V.Veeraraghavan, Advocate, S.R.No.35293

+1cc to the Government Pleader, S.R.No.36913

W.P.NO.14401 OF 2014

SR-II(CO)
PBS/30/06/2022