



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.No.16167 of 2014

and M.P.No.1 of 2014

K.Vaithilingam

... Petitioner

Vs.

The Additional Director of Agriculture,
(Personnel Management),
O/o.The Director of Agriculture,
Chepauk, Chennai - 5.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order of suspension passed in proceedings No.VCS2/64111/2014 (1) dated 28.05.2014 and the consequential proceedings passed in Proc.No.VCS 2/64111/2014 (2) dated 28.05.2014, both on the file of the respondent, both were served to the petitioner on 31.05.2014 and quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader

ORDER

When the petitioner herein, while serving as Deputy Agricultural Officer was due to retire on 31.05.2014, he was placed under suspension on 28.05.2014, stating that an inquiry into a grave charges is pending. Simultaneously, on the same day, the petitioner was not permitted to retire from service by stating that an inquiry into grave charges are pending. Challenging the order of suspension as well as the order of not permitting him to retire, the present Writ Petition has been filed.



2. Since both the impugned orders referred to was in contemplation of an inquiry, this Court had directed the Additional Government Pleader to get instructions with regard to the status of the inquiry. However, the learned Additional Government Pleader submitted that no charges have been framed against the petitioner and that no other inquiry is pending against the petitioner. The counter-affidavit filed by the respondent, also does not indicate that the domestic inquiry is pending against him.

3. As such, the reasons assigned in the impugned orders that an inquiry is pending, seems to be a misconception of fact.

4. At this stage, the learned Additional Government Pleader submitted that a criminal case by the Department of Vigilance and Anti-corruption is pending. Apart from such oral submission, neither the impugned order nor the counter-affidavit refers to the vigilance case. Even otherwise, the petitioner was neither kept under suspension for his involvement in the criminal case nor was he not permitted to retire because of such pendency. While that being so, the submissions of the learned Additional Government Pleader cannot be sustained.

5. Since the respondent has not initiated any departmental action against the petitioner, both the impugned orders dated 28.05.2014, alleging pendency of departmental proceedings, are quashed. Consequently, there shall be a direction to the respondent herein, to pass appropriate orders, retiring the petitioner from the services and disbursing all the retirement benefits, including the pensionary benefits. The respondent herein, shall pass such order within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//
Sub Assistant Registrar

Sni



To

The Additional Director of Agriculture,
(Personnel Management),
O/o.The Director of Agriculture,
Chepauk, Chennai - 5.

+1 cc to Mr.S.Doraisamy Advocate in Sr.No.29367
+1 cc to the Government Pleader High Court, Madras
in Sr.No.30416

W.P.No.16167 of 2014

ss(co)
aa01/06/2022