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W.A.Nos.2552 & 2555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.Nos. 2552 & 2555 of 2022
and C.M.P.Nos.20085, 20155 & 20158 of 2022

W.A.No.2552 of 2022

1.The Secretary to Government of Tamil Nadu
Agricultural Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Horticulture &
Plantation Crops,
Chepauk,
Chennai – 600 005.

.. Appellants

vs

1.L.T.Palanisamy

2.The Tribunal for Disciplinary Proceedings
Rep. By its Commissioner,
5/1842-A, Trichy Road,
Market Committee Complex,
Ramanathapuram,
Coimbatore – 641 045.

.. Respondents

W.A.No.2555 of 2022

1.The Agricultural Production Commissioner
& the Secretary to Government
Agricultural (Ve.Nee.8) Department,
Fort St.George,
Chennai – 600 009.



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2.The Director of Horticulture &
III Floor,
Agricultural Complex,
Chepauk,
Chennai – 600 005.

.. Appellants

VS

1.G.Nityanandan
2.M.Jothimani
3.M.Afroze Begum
4.N.Navaneetha

5.The Tribunal for Disciplinary Proceedings,
Coimbatore rep. by its Commissioner,
5/1842-A, Trichy Road,
Market Committee Complex,
Ramanathapuram,
Coimbatore – 641 045.

.. Respondents

Prayer in W.A. No. 2552 of 2022: Appeal filed under Clause 15 of Letters Patent against the order dated 21.04.2022 made in W.P.No.14071 of 2014.

Prayer in W.A. No. 2555 of 2022: Appeal filed under Clause 15 of Letters Patent against the order dated 21.04.2022 made in W.P.No.24327 of 2014.

For Appellants : Mr.Abishek Moorthy
Government Advocate
in both the appeals

For Respondents : Mr.G.Sankaran
for R1 in both the appeals



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COMMON JUDGMENT

(Delivered by BHARATHA CHAKRAVARTHY,J)

1. These appeals are arising out of the common order of the learned single Judge dated 21.04.2022 in W.P.Nos.14071 and 24327 of 2014 in and by which the charge memorandum issued to the private respondents/ writ petitioners was quashed by the learned single Judge as similar charges were slapped on the writ petitioners in the year 2014. The gist of allegations in the charge memorandum is that, while extending the subsidy in respect of horticulturists, the writ petitioners being the officers responsible for approving the applications, have approved ineligible applications and also applications in fictitious names were also cleared creating loss to the State. The said period of delinquency relates to the year 2001-2002.

2. The learned single Judge found that, when the similar allegation was made in respect of the year 2002-2003 and disciplinary proceedings as well as departmental proceedings having been initiated and having concluded in the year 2013 by exonerating the writ petitioners thereof, when they were to be promoted in the year 2014, these fresh charges which are identical



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in nature pertaining to another year i.e. 2001-2002 were slapped on the writ petitioners and therefore the delay is unexplained and inordinate.

3. Learned single Judge has also found that, when the charges are identical and similar, framing of charges in respect of one year alone and thereafter doing it in piecemeal for the other year is also unexplained and quashed the charge memorandum against the writ petitioners. Aggrieved by the same, the present appeals are laid before this Court.

4. Mr.Abishek Moorthy, learned Government Advocate appearing on behalf of the appellants would contend that, as far as the year 2002-2003 is concerned, the same has been gone into on merits and thereafter they have been exonerated. That by itself would not mean the Government has no material in respect of 2001-2002. Only because the matter was pending before Directorate of Vigilance and Anti-corruption, the charge memorandum could not be issued in time and has been issued belatedly.



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5. We have considered the submissions and perused the material records of the case.

6. On a perusal of the records, it is very clear that, the alleged delinquencies had already come to light in the year 2003-2004 itself. Therefore, the delay on the part of the appellants is totally unexplained and also inordinate, rendering the entire exercise as unfair exercise and at the belated point of time, in the year 2014, there cannot be a fair opportunity for the writ petitioners/delinquents, to face the charges.

6.1 Secondly, when on the self same allegations, in respect of the different year when the charge memorandum has been issued and the writ petitioners have been exonerated and the appellants having pursued the matter up to the year 2013 for a long period of 10 years, thereafter at the verge of promotion of the writ petitioners, issuing the impugned charge memorandum once again in respect of another year, on the face of it, is illegal. The charge is nothing but manifestation of very same charge in a different form and, therefore, cannot be permitted.



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7. In that view of the matter, we do not find any infirmity or illegality in the order of the learned Single Judge exercising his discretion in quashing the charge memorandum. Therefore, finding no merits, these appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(P.U., J) (D.B.C., J)
24.11.2022

Index:Yes/No
mmi/4

To

The Commissioner,
The Tribunal for Disciplinary Proceedings
5/1842-A, Trichy Road,
Market Committee Complex,
Ramanathapuram,
Coimbatore – 641 045.



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W.A.Nos.2552 & 2555 of 2022

**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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24.11.2022