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W.P.No.34139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34139 of 2022
and
W.M.P.Nos.33613 and 33614 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,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. The Joint Director of Agriculture,
Collectorate Complex,
Dharmapuri.

4. Tamil Nadu Public Service Commission,
Rep. by its Deputy Secretary,
Public Service Commission Road,
Chennai - 600 003.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the respondent Nos.1, 2, 3 and 4, quash the letter No.25-001/36/DCD-B1/2022-1 dated 15.07.2022 of the 4th Respondent, the order of the 1st respondent bearing G.O.(2D) No.153, dated 27.09.2022, the order of the 2nd respondent dated 03.11.2020 bearing No.ONP1/5746/2018 and the order of the 3rd respondent bearing Say.Mu.Anai.No.A2/4659/2022 dated 18.11.2022 as illegal, arbitrary, contrary to law and consequently direct the respondents to pay arrears of salary and other benefits to the petitioner.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1 to R3

Mr.R.Bharanidharan
Standing Counsel
for R4

ORDER

Under the impugned order dated 27.09.2022 passed by the first respondent, punishment has been imposed on the petitioner in the disciplinary proceedings initiated against him.



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2. The selection grade granted to him earlier was cancelled under the impugned order dated 18.11.2022. The grievance of the petitioner is that the report received from the Tamil Nadu Public Service Commission (*Hereinafter referred to as TNPSC*) by the first respondent, which is the basis of the impugned order, was not furnished to the petitioner. Under the impugned order, the first respondent ordered for fresh enquiry which the petitioner claims is arbitrary and illegal.

3. As seen from the impugned order, the report of the TNPSC dated 15.07.2022 was not put on notice to the petitioner. He was also not given a copy of the same. The petitioner was granted selection grade earlier. But, under the impugned order, the same has been cancelled without affording any opportunity of hearing to the petitioner.

4. Learned Special Government Pleader appearing for the respondents would also submit that he does not have instructions as to whether a copy of the report submitted by the TNPSC dated 15.07.2022 was furnished to the

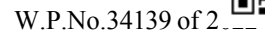


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petitioner or not. But, however, as seen from the impugned order, it is clear that the same was not furnished to the petitioner and he was also not afforded any opportunity to submit his explanation with regard to the said report.

5. Being an order passed by violating the Principles of Natural Justice, this Court is of the considered view that the impugned order passed by the first respondent has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration after affording sufficient opportunity to the petitioner to submit his explanation with regard to the report of the TNPSC dated 15.07.2022.

6. Under the impugned order, a fresh enquiry has been ordered and the selection grade which was granted to the petitioner earlier has been cancelled. Therefore, necessarily the petitioner will have to be given sufficient opportunity to submit his explanation in the manner known to him under law.





W.P.No.34139 of 2017

To
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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,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. The Joint Director of Agriculture,
Collectorate Complex,
Dharmapuri.

4. Tamil Nadu Public Service Commission,
Rep. by its Deputy Secretary,
Public Service Commission Road,
Chennai - 600 003.



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ABDUL QUDDHOSE. J.,

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