



WEB COPY



WP No.2965 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.07.2023**

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP No.2965 of 2018

And

W.M.P.No. 3618 of 2018

M.Sivaraju

... Petitioner

-Vs-

1. The Agricultural Production
Commissioner and
Principal Secretary to Government
Agriculture Department,
Secretariat, Chennai-9.
2. The Chief Engineer
Agricultural Engineering Department,
Nandanam, Chennai – 35.
3. The District Collector
Erode.

... Respondents



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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent vide G.O.[3D] No.31 Agriculture (AA6) Department, dated 11.3.2002 and to quash the same and consequently direct the respondents to pay the petitioner's service pension from AN of 29.2.2016 and all the arrears of service benefits, and retirement benefits with retrospective effect from 6.2.02.

For Petitioner	:	Mr.S.Vijaya Kumar Senior Counsel
For Respondents	:	Mr. U.Baranidharan Additional Government Pleader

ORDER

Heard Mr.S.Vijayakumar, learned Senior Counsel appearing for the petitioner and Mr.U.Baranidharan, learned Additional Government Pleader appearing on behalf of the respondents.



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2. The petitioner has the benefit of an order in W.A.No. 1865 of 2019 dated 28.06.2023, which Writ Appeal has been filed by him questioning an order of a learned Single Judge dated 07.02.2019 in W.P.No. 4581 of 2018. That Writ Petition was filed seeking to quash a charge memo, which had been issued against the petitioner therein on 24.08.2017.

3. The present Writ Petition has been filed in the nature of Certiorarified Mandamus questioning a suspension order passed against the petitioner and consequently to pay all the arrears of service benefits and retirement benefits with retrospective effect from 06.02.2002. The charge memo itself has been quashed by the Division Bench. The operative portion of the Writ Appeal is extracted below:-

"26. In the light of the above judgements, there is inordinate delay in framing the impugned charge memo and despite the direction of this Court, the respondent/disciplinary authority has not concluded the said disciplinary proceedings



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within the specified time. There is no initiation of action being taken by the respondent to conclude the disciplinary proceedings, pursuant to the charge memo has been framed. Therefore, at every stage, there is an inordinate delay on the part of the respondent/disciplinary authority. Hence, this Court has no hesitation to come to the conclusion that the aforesaid impugned charge memo is liable to be quashed.

27. In the result, the Writ appeal is allowed, the impugned proceedings issued by the 3rd respondent/disciplinary authority vide proceeding No. No.Roc.No.11591/2015/R1 dated 24.08.2017 is quashed and the order of the learned Single Judge in W.P.No.4581 of 2018 dated 07.02.2019 is set aside. The respondents are directed to pay all retirement benefits to the appellant within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous



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petition is closed. No costs. "

4. The petitioner has the benefit of that particular order and therefore, there need not be discussion on such order. I would reiterate the same order passed by the Division Bench.

5. The present Writ Petition stands disposed of consequent to the charge being set aside by the Division Bench. The order of suspension which normally is imposed pending enquiry into the charges also stands interfered with by this Court and is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

21.07.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

C.V.KARTHIKEYAN, J.,



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vsg

To

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