



WEB COPY

W.A.No.1965



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**  
**and**  
**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

Writ Appeal No.1965 of 2022  
and  
CMP.Nos.14305 and 14308 of 2022

K. Ezhilrani

.. Appellant

Versus

The Additional Director of Agriculture  
(Personnel Management)  
Government of Tamil Nadu  
Chepauk, Chennai - 600 005

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 29.06.2022 made in WP.No.1314 of 2019.

|                |   |                                               |
|----------------|---|-----------------------------------------------|
| For Appellant  | : | Ms. K.Ezhil Rani<br>Party-in-Person           |
| For Respondent | : | Mr.C.Kathiravan<br>Special Government Pleader |

**JUDGMENT**

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

The appellant has preferred this intra-court appeal, as against the order dated 29.06.2022 passed by the learned Judge in WP No.1314 of 2019.



2. The appellant was appointed as Agricultural Officer in the year 2009.

While she was working as such, a charge memo dated 14.03.2014 was issued to her containing 7 charges. Challenging the charge memo dated 14.03.2014, she has filed WP (MD) No. 7231 of 2015. This Court, taking note of the nature of charges as well as the allegations raised against the officials, disposed of the writ petition on 29.04.2015 with a direction to the respondent to conduct enquiry and also to videograph it. When the enquiry into the charge memo dated 14.03.2014 was pending, as directed by this Court in WP (MD) No. 7231 of 2015, a second charge memo dated 03.09.2015 was issued to the appellant containing two charges. Subsequently, a third charge memo was issued to her on 27.11.2018. Notwithstanding the same, on 03.12.2018, the appellant was also placed under suspension. Subsequent to her suspension also, on 18.01.2019, the fourth charge memo was issued to her.

3. It is in the above stated circumstances, the appellant has filed WP No. 1314 of 2019 before the learned Judge challenging the order of suspension dated 03.12.2018 and consequently direct the respondent to reinstate her in service with all consequential benefits.

4. The learned Judge, in order to give a quietus to the dispute, has disposed of the writ petition bearing No.1314 of 2019 with the following directions:



WEB COPY

W.A.No.1965



- ◆ *That there shall be a direction to the respondent to get the Enquiry Officer's report by treating all the three enquires are completed within a period of two weeks from the date of receipt of a copy of this order. On receipt of the such Enquiry officer's report from the three Enquiry Officers separately, a copy of the same in each of the case shall be forwarded to the petitioner by giving a second opportunity of giving two weeks time to the petitioner to reply of the said Enquiry Officer's report within a period of one week thereafter.*
- ◆ *On receipt of such communication from the respondent along with the copy of the Enquiry Officer's report in each cases, it is pen to the petitioner to respond within a period of two weeks thereafter separately and on receipt of such reply from the petitioner, the respondent/Disciplinary Authority after considering such reply to be submitted by the petitioner each of the cases, shall take a final decision with regard to the final order to be passed either to impose any penalty against the petitioner or otherwise and such final order shall be passed in all the three cases separately by the respondent within a period of four weeks thereafter.*
- ◆ *In view of the aforesaid directions, the impugned suspension order need not be interfered with a of now and it is needless to mention that depending upon the outcome of the disciplinary proceedings in the three separate charges/enquiry, decision as to whether the impugned suspension order can be revoked or otherwise can be decided accordingly by the respondent."*

5. Aggrieved by the aforesaid order passed by the learned Judge, the appellant / writ petitioner is before this Court with the present writ appeal stating that enquiries were not conducted in accordance with law and the writ petitioner was not given an opportunity to put forth her submission. It was also stated that the learned Judge did not go into the correctness or otherwise of the charge memos issued to her, but, he simply directed to complete the enquiry relating to charge memos issued against the writ petitioner. In effect, it is her submission that the learned Judge did not conclude as to whether the charge memos issued to her, are valid or not.



WEB COPY

6. When the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondent drew the attention of this Court to the status report filed by the respondent and submitted that despite several opportunity given to the appellant to give her explanation to the enquiry officers' reports, she has not given her explanation and additional explanation till date. It is also stated that the appellant did not co-operate to complete the disciplinary proceedings initiated against her as has been directed by the learned Judge. However, her suspension was revoked vide proceeding No.DCS2(2)/132564/2018 dated 06.04.2023 and was appointed as Agricultural Officer, Thirumanur at Ariyalur District on 12.04.2023. Thus, it is submitted that final orders with respect to the enquiries initiated against the appellant, will be passed, upon receipt of further explanations from her.

7. In reply, the appellant/party- in- person submitted that meeting out all the charges, she has given her explanation for consideration. In addition to that, she also agrees to submit a further explanation /additional explanation as directed by the respondent in their communication dated 19.01.2023, within a time frame to be stipulated by this Court.

8. Considering the facts and circumstances of the case and having regard to the submissions made by both parties, this court, without expressing any opinion on the merits of the case, directs the appellant to submit her additional explanation /



WEB COPY

objections, if any, to the reports of the enquiry officers, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to pass final orders in the disciplinary proceedings initiated against the appellant, on merits and in accordance with law, after affording an opportunity of personal hearing to her, within a period of six weeks thereafter.

9. With the above directions, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**[R.M.D., J.] [M.S.Q., J.]**  
**17.04.2023**

Index : Yes / No  
Internet : Yes / No  
av

To  
The Additional Director of Agriculture,  
(Personnel Management)  
Government of Tamil Nadu,  
Chepauk, Chennai - 600 005.



WEB COPY

W.A.No.1965



**R. MAHADEVAN, J**  
and  
**MOHAMMED SHAFFIQ, J**

av

Writ Appeal No.1965 of 2022

17.04.2023