



Writ Appeal No.2673 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Appeal No.2673 of 2022

and

CMP. No. 21565 of 2022

J.Parameshwaran

... Appellant

Versus

1. The Joint Director of Agriculture
Kancheepuram, Kancheepuram District.

2. The Assistant Director of Agriculture
Puzhal, Chennai - 600 040.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.07.2022 passed in W.P. No. 28675 of 2014 on the file of this Court.

For Appellant : M/s. G.Sridevi

For Respondents : Mr. S.Yashwanth
Additional Government Pleader



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JUDGMENT

WEB COPY (Judgment of the court was delivered by R. MAHADEVAN, J.)

Originally, the appellant / writ petitioner preferred a writ petition viz., W.P. No. 28675 of 2014, to quash the proceedings of the Joint Director of Agriculture, Kancheepuram District, dated 27.08.2014, thereby ordering recovery of Rs.5,89,050/- in 84 installments for the alleged loss caused by the appellant to the Government exchequer on account of keeping 198 MTs of gypsum in a careless manner. By order dated 07.07.2022, the said writ petition was disposed of, with the following observations:

"7. As far as the order impugned is concerned, the authorities found that 198 tones of Gypsum bags were kept in a careless manner, which resulted in financial loss to the State Exchequer and accordingly, issued orders to recover the financial loss occurred to the State Exchequer. Actions in this regard cannot be found fault with. However, if the petitioner is of an opinion that he is not the only official responsible, it is for him to approach the Appellate Authority for further adjudication of issues based on the documents and evidences.

8. In view of the facts and circumstances of the case, this Court do not find any infirmity in respect of the financial loss arrived by the competent authorities. However, the petitioner is at liberty to approach the Appellate Authority for the purpose of redressal of his grievances."

Aggrieved by the aforesaid order of the learned Judge, the writ petitioner has come up with this writ appeal.



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2.The learned counsel for the appellant, after arguing some time, submitted that it would suffice, if the appellant is granted liberty to file appeal before the Appellate Authority and on filing of such appeal, the appellate authority may be directed to dispose of the same, on merits, within a time frame to be stipulated by this court.

3.The learned Additional Government Pleader appearing for the respondents has no serious objection for granting such relief to the appellant.

4.Considering the limited relief now sought for by the learned counsel for the appellant, which has not been seriously opposed on the side of the respondents, this court grants liberty to the appellant to file appeal before the appellate authority, within a period of four weeks from the date of receipt of a copy of this judgment. On filing of such appeal, the Appellate Authority shall entertain the same, without raising any ground on the limitation, and dispose of the appeal, on merits and in accordance with law, after affording due opportunity of hearing to all the parties concerned, within a period of three (3) months thereafter. Till such time, the respondent authorities shall not effect any recovery against the appellant.



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5. Accordingly, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
12.01.2023

Internet : Yes

Index : Yes / No

Maya

To

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