



WEB COPY



W.P.No.27059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27059 of 2023

and

W.M.P.Nos.26499 & 26500 of 2023

Dr.A.Rajendran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Animal Husbandry, Diaring & Fisheries (AH1)
Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Director of Animal Husbandry &
Veterinary Services,
Saidapet Veterinary Hospital Campus,
Nandanam, Chennai – 35.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in connection with the impugned order passed in G.O.(D) No.158, Animal Husbandry, dairying and Fisheries (AH1) Department dated 30.05.2019 and the consequential order in G.O.(D) No.162, Animal Husbandry, Diaring and Fisheries (AH1) Department dated 31.05.2019 and quash the same and direct the respondents to settle the retirement benefits of the petitioner within a reasonable time frame.



WEB COPY



W.P.No.27059 of 2023

For Petitioner : Mr.K.Venkatramani
Senior Counsel
for Mr.M.Muthappan

For R1 and R2 : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the orders of the 1st respondent, dated 30.05.2019 and 31.05.2019, placing the petitioner under suspension and not permitting him to retire on attaining the age of superannuation.

2.The petitioner states that he was initially appointed as Veterinary Assistant Surgeon on 05.11.1985 and thereafter, he was promoted as Deputy Director of Animal Husbandry on 05.12.2016. While he was serving as Deputy Director in Hosur, the petitioner detected several misappropriations committed by his predecessors and therefore, he addressed the authorities to conduct a proper Audit, based on which, an Audit was also conducted. Subsequently, the petitioner was promoted as Joint Director of Animal Husbandry on 31.05.2018. Based on the report of the Director of Animal Husbandry, a criminal case was registered against the petitioner's predecessors for committing misappropriation,



W.P.No.27059 of 2023

however, the name of the petitioner was also included as accused, stating that there was falsification of accounts and misappropriation even during the tenure of the petitioner. Subsequently, the 1st respondent has passed the impugned orders placing the petitioner under suspension and not permitting the petitioner to retire on reaching his age of superannuation. Challenging the same, the present writ petition has been filed.

3.It is the contention of the petitioner that the petitioner was the one who wanted to unearth the large scale irregularities committed by his predecessors by conducting Audit, however, he has been arrayed as A7 in the criminal case, consequent to which, he was placed under suspension. The learned counsel further contended that the petitioner has been placed under prolonged suspension since 2019, however, so far, no charges have been framed. Hence, the learned counsel prays for quashing of the impugned orders.

4.*Per contra*, Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents 1 and 2, on instructions, submitted that the criminal case is pending against the petitioner and other officials and now, the Vigilance and Anti-Corruption



W.P.No.27059 of 2023

Department have also obtained sanction to prosecute the case against the petitioner and others. Hence, the learned Special Government Pleader submitted that, at this stage, the suspension cannot be revoked.

5.Heard the learned counsel on either side and perused the entire materials available on record.

6.It is seen that the petitioner has been placed under prolonged suspension from 30.05.2019 based on the alleged malpractice and misappropriation unearthed during the Audit conducted in the month of May, 2018. This Court is of the view that, merely because a criminal case has been simultaneously lodged against the petitioner, that cannot be a ground to delay the departmental proceedings, since the suspension is not particularly based on the criminal case. The alleged malpractice is said to have been noticed only during Audit. In such view of the matter, there is no bar under law to initiate departmental proceedings independently based on the available records. Accordingly, let the respondents initiate departmental proceedings against the petitioner based on the records available and the documents relied upon by them, and conclude the same within a period of six months.



W.P.No.27059 of 2023

WEB COPY

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Principal Secretary to Government,
Animal Husbandry, Diarying & Fisheries (AH1)
Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Director of Animal Husbandry &
Veterinary Services,
Saidapet Veterinary Hospital Campus,
Nandanam, Chennai – 35.



WEB COPY



W.P.No.27059 of 2023

mkn

W.P.No.27059 of 2023

15.09.2023