



W.P.(MD)No.556 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.556 of 2023

and

W.M.P.(MD)Nos.560, 561 and 564 of 2023

P.Petchimuthu

... Petitioner

Vs.

1. The Deputy Director of Horticulture,
Office of the Deputy Director of Horticulture,
NGO Colony,
Perumalpuram,
Tirunelveli.

2. The Assistant Director of Horticulture,
Office of the Assistant Director of Horticulture,
Cheranmahadevi Block,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Proc.No.A1/6727/2022, dated 09.12.2022 passed by the first respondent and quash the same as illegal consequently, direct the first respondent to reinstate the petitioner into service with continuity with all benefits.



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For Petitioner : Mr.S.Malaikani

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned order vide proceedings in Proc.No.A1/6727/2022, dated 09.12.2022 passed by the first respondent, quash the same and consequently, direct the first respondent to reinstate the petitioner into service with continuity with all benefits.

2. The case of the petitioner is that the petitioner has joined duty as Assistant Horticulture Officer in the office of Assistant Horticulture Office, Palayamkottai Block, Tirunelveli on 26.10.2018. Thereafter, he was transferred to the second respondent's Office in the year 2022. While he was working as Assistant Director of Horticulture at Cheranmahadevi, Tirunelveli District, he was served with an enquiry letter, stating that, one Ramaiah Anand has made a complaint against him and based on the



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explanation given by the petitioner, the said enquiry was closed. After a lapse of three months, one Paulraj has lodged a false complaint against him. Based on the same, the second respondent called him for an enquiry repeatedly. Hence, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.13887 of 2021, challenging the enquiry notice and this Court, on 13.08.2021, disposed of the Writ Petition by issuing a direction to the second respondent to complete the enquiry within a period of twelve weeks and as such, the said enquiry was also closed. At this juncture, one Muthuraman, Son of Masilamani has lodged a false complaint before the Commissioner of Police, Tirunelveli City and the same was forwarded to the Inspector of Police, Palayamkottai Police Station, wherein, he stated that as the petitioner introduced one Gobunathan, who is having a Company in the name and style of Sri Venkateshwara Enterprises and based on his instructions, the said Muthuraman has paid a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to Sri Venkateshwara Enterprises. After receipt of the said amount, the petitioner and Gobunathan have cheated the said Muthuraman. As such, he lodged the complaint. On 07.12.2022, the Inspector of Police, Palayamkottai Police Station, has registered a case against the petitioner in



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Crime No.671 of 2022 and on the very same day, the first respondent has passed an impugned suspension order dated 09.12.2022. Hence, the petitioner has filed CrI.O.P.(MD)No.22006 of 2022 before this Court and this Court, on 15.12.2022, has granted anticipatory bail and immediately after registration of the criminal case, the impugned suspension order was passed against the petitioner. Challenging the suspension order, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that based on the criminal case registered against the petitioner, the present suspension order was passed, which is not sustainable one. Further, the Original Authority has not considered the veracity of the complaint filed by the defacto complainant and the entire allegation is only against Gobunathan and not against the petitioner. Hence, the suspension order passed by the first respondent is not sustainable one. Accordingly, he prayed for allowing the Writ Petition.



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4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the suspension order was passed under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and in order to facilitate the departmental enquiry, the petitioner has not only cheated the defacto complaint in Crime No.671 of 2022, but also cheated several persons and given false promises, as if he would arrange subsidy amount for purchasing agricultural equipments and thereby, damaged the reputation of the Agricultural Department. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The present suspension order was passed by invoking Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and admittedly, there was a criminal case against the petitioner in Crime No.671 of 2022 and he was granted with anticipatory bail by this Court on 15.12.2022 and the same was not disputed by the petitioner. Immediately



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after the criminal case, it is the duty cast upon the respondents to initiate departmental proceedings. Further, the allegation made against the petitioner is a serious one and he allegedly gave false promises to the farmers to purchase agricultural equipments and thereby, several agriculturists deposited huge amount with the concerned person at the instigation of the petitioner. Hence, the prayer sought for in the present Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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