



W.A.(MD).No.720 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.720 of 2020
and
C.M.P.(MD).No.4228 of 2020

1.The Agriculture Production Commission and
Principal Secretary to Government,
Agriculture Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

3.The Joint Director of Agriculture,
Tallakulam,
Madurai - 625 002.

4.The Joint Director of Agriculture,
Ramanathapuram.

.. Appellants/Respondents

Vs.

R.Narayanasamy

.. Respondent/Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 17.03.2020 in W.P.(MD).No.5757 of 2016 on the file of this Court.

For Appellants : Mr.T.Amjad Khan
Government Advocate

For Respondent : Mr.S.Visvalingam

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The intra-Court appeal on hand has been instituted against the order dated 17.03.2020 passed in W.P.(MD).No.5757 of 2016.

2. The respondent/writ petitioner is presently serving as Agricultural Officer, Bio Production Lab, Melur, Madurai District under the control of the Joint Director of Agriculture, Madurai. While he was serving as Agricultural Development Officer, Kamuthi, disciplinary proceedings were initiated against him vide charge memo dated 11.02.2009 for the alleged lack of supervision in the years 1998-1999 and 1999-2000.



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3. While the respondent/writ petitioner was holding the additional charge of the post of Agricultural Officer, Kamuthi, a charge memo was issued against the respondent/writ petitioner and the explanation submitted by him was not accepted and an Enquiry Officer was appointed. The Enquiry Officer conducted an enquiry by affording opportunity to the delinquent officer and submitted his report. No doubt, the charges are serious in nature. The Enquiry Officer also held that the charges against the respondent are proved. Along with the copy of the enquiry report, second show cause notice was issued to the delinquent officer seeking his further explanation/objections on the findings of the Enquiry Officer. The respondent submitted his objections and accepting the Enquiry Officer's findings, the Government issued the impugned order imposing the penalty of stoppage of increment for one year without cumulative effect in G.O. (3D)No.01, Agriculture Department, dated 05.01.2016.

4. The respondent filed a Writ Petition challenging the said order and the learned Single Judge made an observation that the Government has not assigned any reason for imposing the punishment of stoppage of increment



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for one year without cumulative effect. Since no reasons are assigned in the order of punishment, the learned Single Judge had set aside the impugned order and directed the appellants to promote the writ petitioner on par with his immediate junior. Challenging the same, the State preferred the present Writ Appeal.

5. The learned Government Advocate appearing for the appellants mainly contended that the co-delinquents were already imposed with the punishment. They have not filed any Writ Petition. In the present case, the Government has considered the findings of the Enquiry Officer in his report and relying on the said findings, the punishment of stoppage of increment for one year without cumulative effect was imposed. Therefore, further reasons are unnecessary. The findings of the Enquiry Officer would be sufficient to form a final opinion and thus, the Writ Petition ought to have been rejected by the learned Single Judge.

6. The learned counsel for the respondent opposed the said contention by stating that reasons are live link to an order passed by the Government



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accepting the findings of the Enquiry Officer. Mere extraction of the findings of the Enquiry Officer would be insufficient. Whether the findings are accepted or not and the reasons for acceptance also must be stated in the order of punishment, which is missing and therefore, the learned Single Judge is right in setting aside the order of punishment.

7. The learned Single Judge in paragraph 12 of the order impugned has stated that the impugned order shows that the disciplinary authority, only after referring to the report of the Enquiry Officer, has imposed punishment without assigning any reason. The explanations given by the writ petitioner to the report of the Enquiry Officer has been rejected merely stating that there is no new reason assigned. Therefore, the learned Single Judge formed an opinion that the further objections submitted by the writ petitioner on the findings of the Enquiry Officer were not considered by the Government while passing the final order and therefore, set aside the order of punishment of stoppage of increment for one year without cumulative effect.



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8. No doubt, perusal of the order of punishment would reveal that the Government has not given any finding in respect of the further objections submitted by the writ petitioner on the findings of the enquiry report. Mere extraction of the findings of the Enquiry Officer in his report would be insufficient and the further objections submitted by the delinquent officer is to be considered and a finding is to be made for arriving at a conclusion and for imposing punishment so as to form an opinion whether the punishment is in commensuration with the charges proved or not.

9. In view of the fact that the element of reasoning, which is required, is missing, we are inclined to remand the matter back. However, we are not agreeing with the findings of the learned Single Judge in the order impugned, since in such circumstances, the matter is to be remanded back for re-consideration by the competent authority, instead of setting aside the entire order of punishment. This being the principles to be followed, the order impugned dated 17.03.2020 passed in W.P.(MD).No.5757 of 2016 and the order of punishment issued by the first appellant in G.O.(3D)No.01, Agriculture Department, dated 05.01.2016 are set aside. The matter is



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remanded back to the first appellant to re-consider the entire materials available on record and pass orders on merits and by assigning reasons for imposing penalty, by considering the further objections submitted by the writ petitioner, if any. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10. With the above direction, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
11.12.2023

NCC : Yes / No
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