



W.P.(MD)No.10462 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10462 of 2023

and

W.M.P(MD)Nos.9289 & 9291 of 2023

P.Petchimuthu

... Petitioner

Vs

1.The State represented by
The Director of Horticulture,
Tamil Nadu Horticulture Department,
Chepakkam,
Chennai.

2.The Deputy Director of Horticulture,
Tamil Nadu Horticulture Department,
Tirunelveli District,
Tirunelveli.

3.The Assistant Director of Horticulture,
Tamil Nadu Horticulture Department,
Seranmadevi Block Office,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the entire record



W.P.(MD)No.10462 of 2023

pertaining to the impugned order of suspension in Pro.No. A1/6727/2022 dated 09.12.2022 issued by the second respondent and quash the same as illegal and consequently direct the second respondent to re-instate the petitioner in service from 09.12.2022.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is holding the rank of Assistant Horticultural Officer. He has been suspended vide order dated 09.12.2022. It appears that his suspension order followed the petitioner to implicate in Crime No.671 of 2022 registered on the file of Palayamkottai Police Station.

3. Though the petitioner has questioned the transfer order, he submitted that he would be satisfied if the enquiry initiated against him concluded within a period of two months. It appears that charge memo is yet to be issued. The second respondent shall take a decision as to whether charge memo should be issued against the petitioner. If the second respondent takes a decision to initiate disciplinary action, then charge memo shall be issued within a period of



W.P.(MD)No.10462 of 2023

two weeks from the date of receipt of a copy of this order. The petitioner undertakes to offer his explanation within a period of one week thereafter. If the explanation given by the petitioner is not satisfactory, the second respondent decides to hold an enquiry, the entire proceedings shall be concluded on merits and in accordance with law within a period of two months thereafter. I make it clear that I have not gone into the merits of the matter. All the contentions and defences of the petitioner are left open.

4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

- 1.The Director of Horticulture,
Tamil Nadu Horticulture Department,
Chepakkam,
Chennai.
- 2.The Deputy Director of Horticulture,
Tamil Nadu Horticulture Department,
Tirunelveli District,
Tirunelveli.



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W.P.(MD)No.10462 of 2023

G.R.SWAMINATHAN, J.

MGA

3.The Assistant Director of Horticulture,
Tamil Nadu Horticulture Department,
Seranmadevi Block Office,
Tirunelveli District.

W.P.(MD)No.10462 of 2023

and

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