



W.A(MD)No.1022 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A(MD)No.1022 of 2023
and
C.M.P(MD)No.7818 of 2023

1. The State of Tamil Nadu
Rep. by its Agricultural Production Commissioner,
cum Principal Secretary,
Fort St.George,
Chennai-600 009.

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

... Appellants

-VS-

K.Arumugam

... Respondent

PRAYER : Appeal filed under Clause 15 of the Letters Patent,
against the order dated 08.06.2022 made in W.P(MD)No.7490 of
2020.

For Appellants : Mr.J.K.Jayaseelan, Government Advocate
For Respondent : Mr.S.Louis

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J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order made in W.P(MD)No.7490 of 2020 dated 08.06.2022.

2. The respondent who was employed as an Agricultural Development Officer, was issued with a charge memo dated 29.09.2008 alleging that he had failed to conduct Farmers Field School Trainings under the Integrated Cereals Development Programme in four villages during the year 2002-2003 and six villages in the year 2003-2004 and created false records as if the trainings were conducted, thereby, the respondent misappropriated a sum of Rs.29,265/-. Pursuant to an enquiry, a punishment of compulsory retirement was imposed on 03.03.2020. This order was challenged before the Writ Court. The learned Single Judge finding that the punishment was imposed on the basis of the report received from the Tamil Nadu Public Service Commission without even serving a copy of



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the report to the respondent, set aside the impugned order. The delay in initiating disciplinary action and that the order impugned in the writ petition was one without reasoning, were also cited as reasons for setting aside the impugned order imposing the punishment of compulsory retirement. As against the said order, this appeal is filed.

3. The learned counsel for the respondent has relied upon a judgment of this Court in **W.A(MD)No.625 of 2022, dated 29.06.2022 (The Agricultural Production Commissioner and Principal Secretary to Government, Chennai vs. J.Murugabharathi)** and contended that when similar charges were framed against the employee in the said case, this Court in the said appeal, has modified the punishment of compulsory retirement as stoppage of increment for a period of 18 months without cumulative effect and further direction was also issued to the appellant therein to reinstate the employee/respondent therein in service within a period of four weeks from the date of receipt of the order.



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4. The learned Government Advocate appearing for the appellant conceded that this Court can dispose of the appeal in terms of the aforesaid order passed in W.A(MD)No.625 of 2022, dated 29.06.2022.

5. Accordingly, the order passed in the writ petition is modified in terms of the order made in W.A(MD)No.625 of 2022, dated 29.06.2022 and this Writ Appeal is disposed of with the following directions:-

(i) The order passed in the writ petition is modified and the punishment of compulsory retirement imposed on the respondent is modified as stoppage of increment for a period of 18 months without cumulative effect

(ii) Since the respondent/employee has already reached the age of superannuation, the monetary equivalent of the increment cut for a period of 18 months can be computed and can be recovered from the retiral benefits payable to the respondent.

(iii) The entire period of service of the respondent shall be



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calculated for the purpose of pension and the respondent is also entitled to all the consequential service and monetary benefits upto the date of retirement namely, 31.01.2018.

(iv) The aforesaid directions shall be implemented within a period of three months from the date of receipt of a copy of this judgment.

No costs. Connected miscellaneous petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
10.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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cum Principal Secretary,
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2. Commissioner of Agriculture,
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