



W.P.(MD).No.23030 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23030 of 2023

D.Subbiah

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government /
Agricultural Production Commissioner,
Agricultural Department, Secretariat,
Chennai.
2. The Director,
O/o. The Director of Agriculture,
Chepauk, Chennai-5.
3. The Joint Director of Agriculture,
O/o. The Joint Director of Agriculture,
Kattuthottam, Mariamman Kovil Post,
Thanjavur, Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to conclude the departmental proceedings initiated in pursuance of the charge memo issued by the second Respondent in his proceeding, dated 22.12.2020 and pass final orders thereon by considering the petitioner's representation,



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dated 23.11.2022 and 05.09.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.Mr.C.Venkatesh Kumar

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to conclude the departmental proceedings initiated in pursuance of the charge memo issued by the second Respondent in his proceeding, dated 22.12.2020 and pass final orders thereon by considering the petitioner's representations, dated 23.11.2022 and 05.09.2023 within a period stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mr.M.Prakash, learned Additional Government Pleader appearing for the respondents. Perused the materials on record.



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4.The petitioner is the retired Assistant Director of Agriculture.

While he was serving as Deputy Agricultural Officer at Agriculture Department, Thanjavur District, he was placed under suspension on 30.01.2014. Thereafter, the first respondent vide proceedings, dated 31.01.2014 refused the petitioner to retire from service. The said order was challenged by the petitioner in W.P(MD)No.17612 of 2015 and the same was allowed by this Court, vide order, dated 08.01.2020. Pursuant to the same, order of suspension was revoked and the petitioner was permitted to retire from service, vide proceedings, dated 21.12.2020. Thereafter, on 22.12.2020, the second respondent issued a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules. Since the petitioner was allowed to retire from service with effect from 31.01.2014, the petitioner made representation on 05.09.2023 to conclude the departmental proceedings and pass final orders. However, the same was not considered. Hence, the writ petition came to be filed.

5.The learned Additional Government Pleader, appearing for the respondents drew my attention to the representations submitted by the



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petitioner, on 23.11.2022 and 05.09.2023 and the representation, dated 23.11.2022 is not related to the subject matter of the case. Hence, the respondents would not be in a position to consider the representation, dated 23.11.2022.

6.Recording the submission of the learned Additional Government Pleader, this Court hereby direct the respondents to consider the representation of the petitioner, dated 05.09.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

21.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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