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W.P.No.28522 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.28522 of 2013 and
M.P.Nos.1, 2 and 3 of 2013

R.Prakash

... Petitioner

Vs

1.The Commissioner of Agriculture,
O/o Commissioner of Agriculture,
Chennai 600 005.

2.The Director of Agriculture,
Chepauk,
Chennai 600 005.

3.The Joint Director of Agriculture,
Trichy.

4.The Assistant Director of Agriculture,
(Enquiry Officer, Puzhal Block),
Behind B.D.O. Office,
Chennai 600 066.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the proceedings No.DCS1(3)/ 190032/03 dated 03.09.2005 issued by the first respondent and quash the same.



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For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader.

ORDER

The writ petition has been filed challenging the charge memo dated 03.09.2005 issued by the first respondent.

2. Heard both sides and perused the material available on record.

3. It is the case of the petitioner that he had joined the Agricultural Department on 20.12.1976 as a Deputy Agricultural Officer (PP) on an emergency temporary basis. Pursuant to his appointment, he reported for duty to the Superintendent of the Paddy Experiment Station, Tirur, Thiruvallur Taluk, Chingleput District. Immediately, within a period of seven days from the date of joining on 20.12.1976, he got himself relieved for pursuing his higher studies, as he was undergoing the second year of a postgraduate course at Annamalai University. Pursuant to the completion of his course, he was allowed to join duty on 22.07.1977. Thereafter, by transfer order dated 10.05.1978, the petitioner was transferred from Trichy to Maduranthakam, where he joined at the



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transferred place on 12.05.1978. Again, the petitioner was permitted to go on leave on loss of pay from 01.08.1978, however, even though he was on temporary appointment, the petitioner had resigned from service in November, 1980. From the date of resignation, the petitioner does not seem to be an employee of the respondents. From the perusal of the material, it could be seen that even though the petitioner was appointed as early as on 20.12.1976, on an emergency temporary basis, he had resigned in November, 1980.

4. The learned counsel for the petitioner submits that the petitioner, on his resignation, has joined the service of the State Bank of India. While so, after nearly three decades, all of a sudden, the first respondent has issued the impugned charge memo dated 03.09.2005, which was actually signed only on 24.07.2013 and subsequently served on the petitioner. On receipt of the charge memo, the petitioner had submitted his explanation on 05.08.2013, asserting that he had resigned and left the respondents 33 years prior. Therefore, the learned counsel for the petitioner submits that the impugned charge memo issued does not pertain to any lapses committed by the petitioner. Further, the petitioner is not at all employee of the respondents.



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5. It is brought to the notice of this Court by the learned counsel for the petitioner that if at all the petitioner had been in the service of the respondents, he would have attained superannuation as on 24.07.2013. Therefore, the impugned charge memo dated 03.09.2005, which was issued on 24.07.2013, was based entirely on the misconception that the petitioner was still their employee. The learned counsel would further submit that the petitioner, having worked in the State Bank of India for nearly 33 years, has in fact superannuated.

6. The learned Government Advocate for the respondents would fairly submit that in fact, there is no material available on record to show that the petitioner had been in service. Further, the charge memo dated 03.09.2005 was issued only on 24.07.2013, at the time when the petitioner was reaching the age of retirement. Therefore, further adjudication may be required, as the issue raised in the writ petition has become infructuous.

7. Recording the submissions made by the learned counsel for respondents and by taking note of the fact that the petitioner has not been in service of the respondents since 1980, as well as noting that he has



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already attained the age of superannuation, this Court finds that nothing survives for further adjudication in the writ petition. Accordingly, the writ petition stands dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are closed.

29.10.2024

Speaking (or) Non Speaking Order
Index : Yes/ No
shk

To

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G.ARUL MURUGAN, J.

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