



WEB COPY

W.P.No.9102 of 2021
and W.M.P.No.9646 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9102 of 2021
and W.M.P.No.9646 of 2021

Dr.J.Ilankovan

...

Petitioner

versus

1.Government of Tamilnadu,
Rep. by Principal Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Director of Animal Husbandry
and Veterinary Services,
No.571, Amma Complex,
Nandanam, Chennai - 600 035.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to order in Na.Ka.No.17772/M1/2018, dated 20.05.2020 (communicated on 05.08.2020 and received on 11.08.2020), to quash the same and to issue consequential directions to the respondents to grant all unpaid benefits such as (i) Selection Grade and Special Grade pay in the post of Veterinary Assistant Surgeon w.e.f. 30.06.1991 and 30.06.2001 respectively, with all increments (ii) Restoration



of withheld annual increments for three years due on 13.12.1992, 01.10.1993 and 01.10.1994 (iii) Empanelment and Promotion to the higher posts with effect from the date of promotion of his immediate junior (iv) Revision of Pensionary benefits (v) Grant of interest for the delayed payments already made and yet to be made, all within a limited time frame.

For Petitioner : M/s.Apoorva
for Mr.M.Ravi

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner, who was working as a Veterinary Assistant Surgeon was placed under suspension and later disciplinary proceedings have been initiated against him. After the charges were proved, he was imposed with the punishment of stoppage of increments for 3 years with cumulative effect by the first respondent *vide* G.O.(Ms.)No.181, Animal Husbandry and Fisheries (AH1) Department dated 05.06.1992.

2. Challenging the above said order, the petitioner filed an Original Application in O.A.No.4731 of 1992 before the Tribunal and that was dismissed on 30.09.1992. The criminal proceedings were also initiated against the petitioner and he was convicted by the Chief Judicial Magistrate,



Sivagangai. Subsequently, the petitioner challenged the above conviction has preferred Criminal Appeal in CrI.A.(MD).No.290 of 2001 and the same was allowed and the petitioner was acquitted on 25.02.2010. However the second respondent issued a charge memo on the same set of facts involved in the criminal case *vide* G.O.(D)No.42, Animal Husbandry and Fisheries (AH1) Department dated 18.02.2011.

3. The petitioner, who has challenged the charge memo has preferred Writ Petition in W.P.No.1998 of 2014 and the said charge memo was set aside *vide* order dated 01.04.2014. Thereafter, the petitioner was permitted to retire on 30.04.2014, on attaining the age of superannuation. The period under suspension from 02.05.1996 to 17.02.2011 was treated as duty and the monetary benefits were also paid to him. However the petitioner is entitled to the payment of interest for the delayed disbursement of monetary benefits and he is also entitled to Selection Grade / Special Grade and consequential fixation of pay, restoration of withheld increments etc.

4. The petitioner submitted various representations to the first respondent to consider his above entitlement but they did not evoke any



response. Hence, the petitioner filed W.P.No.31363 of 2019 for appropriate directions to the respondents and this Court *vide* order dated 07.11.2019 directed the first respondent to dispose the petitioner's representation dated 23.09.2019. However the second respondent passed the impugned order dated 20.05.2020. Challenging the same, the present Writ Petition has been filed for the above reliefs.

5. M/s.Apoorva, learned counsel for the petitioner submitted her arguments in the line of the above facts.

6. Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents submitted that this Writ Petition itself is not maintainable because the disciplinary proceedings have been initiated against the petitioner and he was imposed with the punishment of stoppage of increments for 3 years *vide* G.O.(Ms.)No.181, Animal Husbandry and Fisheries (AH1) Department dated 05.06.1992. The Original Application in O.A.No.4731 of 1992 filed by the petitioner before the Tribunal challenging the above proceedings was also dismissed on merits. Hence the punishment imposed *vide* G.O.(Ms.)No.181, Animal Husbandry and Fisheries (AH1)



Department dated 05.06.1992 has become final and hence this Writ Petition itself is not maintainable.

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7. The petitioner appears to have filed this Writ Petition subsequent to his retirement basing upon the judgment passed in the Criminal Appeal in CrI.A.(MD).No.290 of 2001 by acquitting him from the criminal charges. When charges were issued against the petitioner on the basis of the same set of facts involved in the criminal proceedings, that has been rightly quashed by this Court in W.P.No.1998 of 2014. But the said order cannot have any impact on the punishment already imposed upon the petitioner in the disciplinary proceedings *vide* G.O.(Ms.)No.181, Animal Husbandry and Fisheries (AH1) Department dated 05.06.1992.

8. The Original Application in O.A.No.4731 of 1992 filed by the petitioner before the Tribunal was also confirmed with the order of the Disciplinary Authority by imposing stoppage of increments for 3 years with cumulative effect. Since the punishment imposed upon the petitioner has not been set aside so far, the petitioner cannot claim the relief that he is entitled to payment of interest for the delayed disbursement of monetary benefits



and also entitled to Selection Grade / Special Grade and consequential fixation of pay, restoration of withheld increments etc.

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With the above observation, this Writ Petition is **dismissed**. No costs.

Consequently, connected Miscellaneous Petition is closed.

07.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The Principal Secretary to Government,
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- 2.The Director of Animal Husbandry
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R.N.MANJULA, J.

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