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W.P.No.9682 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9682 of 2020

and

W.M.P.No.11806 of 2020

G.Sakthiyavel

...Petitioner

-Vs-

1.The Assistant Director of Agriculture,
Thellar Block, Thellar,
Thiruvannamalai District.

2.The Assistant Director of Agriculture,
Achirupakkam, Kancheepuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in proceedings No.Aa/24(3)/2019-20 dated 20.05.2020 and quash the same.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.M.Rajendiran
Additional Government Pleader



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ORDER

This writ petition has been filed to quash the impugned order of the first respondent in proceedings No.Aa/24(3)/2019-20 dated 20.05.2020.

2. Learned counsel appearing for the petitioner submitted that the is working as Assistant Agricultural Officer, Office of the Assistant Director of Agriculture, Achirupakkam Block, Madurantakam Taluk, Kancheepuram District. The Petitioner was initially appointed as Assistant Agricultural Officer on 09.03.2009. The Petitioner was working as Assistant Agricultural Officer in Thellar Block, Thiruvannamalai District during 2013-2015. The Petitioner is now working in another block and in another District..

3. Learned counsel would further submit that the petitioner has received an order of recovery issued by the Assistant Director of Agriculture, Thellar Block in Proceedings No.Aa/24(3)/2019-20 dated 20.05.2020 (the impugned order) directing recovery of a sum of Rs.4,46,399/- from his salary in 90 monthly installments at the rate of Rs.6,700/- per month and in the said order it has also been stated that the aforesaid amount is the value of the



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outdated inputs. No details have been given with regard to the said inputs.

No Notice was given to the Petitioner before the impugned order was issued and the Petitioner was not given any opportunity to show cause against the recovery.

4. It is further submitted that in the said order it has not been stated how the Petitioner is responsible for the said lapses when the Assistant Director, Agricultural Officer and the Depot Manager are also mulcted with the responsibility of distributing the inputs. No action has been taken against any of them. It has not been explained as to how the said amount has been computed. Aggrieved by the impugned order, the writ petition is filed.

5. Learned counsel for the petitioner would then place reliance on the order passed by this Court in **W.P.No.29461 of 2006** in the case of **A.Renganathan Vs. The Joint Director of Agriculture, Thiruvallur, Thiruvallur District and two others** dated 10.10.2006.

6. Learned counsel submitted that an order of interim stay has been granted by this Court at the time of admission of the writ petition in



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W.M.P.No.11795 of 2020 in W.P.No.9674 of 2020 and it is in force till date.

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7. Learned Additional Government Pleader appearing for the respondents submitted that two persons were involved in this case. The other person has remitted the amount to the Government, but the petitioner has not remitted the same.

8. Heard both sides and perused the materials available on record.

9. The ruling relied on by the learned counsel for the petitioner in the case of **A.Renganathan Vs. The Joint Director of Agriculture, Thiruvallur, Thiruvallur District and two others** in **W.P.No.29461 of 2006** dated **10.10.2006**, wherein this Court held as follows:

“8. It is the case of the petitioner that in his explanation submitted to the impugned memo that as Assistant Agricultural Officer, he is not entrusted with the stocks. As correctly pointed out by the learned counsel for the petitioner, exactly the same issue came to be decided in respect of another Assistant Agricultural Officer in O.A.No.5815 of 2001 dated 01.10.2001 wherein the Tribunal has held that even assuming that there is a failure to achieve the target of sale of seeds in a subsidized price, there can be no cause of action for recovery of amount from the salary holding that even the case of the Government is that the Government has invested money in purchasing fertilizers and other inputs which have been kept idle in the godown instead of being sold to the farmers who were entitled to purchase the same in a subsidized rate and ultimately held that in respect of Assistant Agricultural Officers, there was no entrustment and therefore, the recovery from the salary is unwarranted. That was the view taken in a subsequent case also by the Tamil Nadu Administrative



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Tribunal. Ultimately, when a matter was taken to this Court in W.P.No.14888 to 14892 of 2006 in S.N.Ahmed Vs. The Commissioner of Agriculture, Chennai 5 and others, in the judgment dated 21.06.2006 and also in another judgment reported in 2006(1) CTC 632, this Court has taken a definite view that it is not the responsibility of the petitioner in respect of the unsold seeds and fertilizers, the non purchase of seeds and fertilizers by the farmers may be due to various reasons like poor rainfall, non-availability of funds etc., and in such circumstances the action of the respondents in seeking to recover the amount on the basis that by non-sale the losses caused to the Government was held to be unreasonable. In fact, this court in the said judgment has followed the earlier order of this Court reported in 1988 WLR 38, wherein also this Court has held in respect of non- collection of professional taxes by the Bill Collectors working in the Corporation, the conduct of the Corporation in making recovery from the salary of the Bill Collectors was held to be unreasonable. This was also followed in a subsequent unreported judgment.”

The above order is squarely applicable to the case on hand.

10. In view of the above ratio laid down by this Court, the respondents are directed to refund the amount, if any recovered to the petitioner without interest, within a period of three months from the date of receipt of this order.

In the result, **the writ petition stands allowed with the above observations and direction.** No costs. Consequently, connected miscellaneous petition is closed.

10.12.2024

cda



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Index : Yes / No
Speaking/Non Speaking order

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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The Assistant Director of Agriculture,
Thellar Block, Thellar,
Thiruvannamalai District.
- 2.The Assistant Director of Agriculture,
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