



WEB COPY



W.A.No.2959 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.2959 of 2024
and
C.M.P.No.22070 of 2024**

S.Aravindan
S/o.Singaram

... Appellant

-Vs-

1. The Chief Engineer (AE),
Agricultural Engineering Department,
Nandanam,
Chennai - 600 035.

2. The Assistant Executive Engineer (AE),
Agriculture Implements Workshop,
Tiruvarur and District.

3. The Chief Secretary to Government,
Government of Tamil Nadlu,
Secretariat,
Fort St.George,
Chennai - 600 009.

... Respondents

(R3 *suo motu* impleaded vide order of Court dated
14.10.2024 made in W.A.No.2959 of 2024)



W.A.No.2959 of 2024

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.8830 of 2024 dated 27.03.2024 and allow the above writ appeal.

For Appellant : Mr.P.Vijendran

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 27.03.2024 in W.P.No.8830 of 2024.

2. The appellant herein was suspended by the respondent Department by order dated 25.03.2024. Challenging the suspension order, the said writ petition was filed. When it was considered by the learned writ Court, it was found that, the writ petitioner had committed misappropriation of Government funds in the implementation of Sub Mission on Agricultural Mechanization Scheme at Nagapattinam District and he has not yet been served by the charge memo, that was the circumstances considered by the writ Court and ultimately, the writ petition was dismissed by order dated 27.03.2024, which is impugned herein.



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3. When this writ appeal was moved, it seems that, a Co-ordinate Bench of this Court had passed an order on 03.10.2024, directing the respondents herein to file an affidavit before this Court, as to why, further proceedings have not been initiated by the Department.

4. Since such an explanatory affidavit has not been filed, the Co-ordinate Bench by a detailed interim order dated 14.10.2024 after having impleaded the Chief Secretary to Government *suo motu* as party respondents in the writ appeal, directed the Chief Secretary to Government to take necessary action against the Disciplinary Authority concerned for non-compliance of the Government Order in G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022, as by which, a time frame has been fixed, within which the disciplinary proceedings once initiated, should be completed.

5. As directed by the Co-ordinate Bench by order dated 14.10.2024, since an affidavit has not been filed and disciplinary action since has been directed to be initiated, subsequently, it seems that, a petition in C.M.P.No.26436 of 2024 was filed on behalf of the respondents, where the position has been explained in the affidavit, as to why, the Disciplinary Authority has delayed in completing the charge memo and filed an affidavit as sought for by this Court.



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6. The said reasoning given by the respondents having been accepted, the Co-ordinate Bench has recalled the order dated 14.10.2024 by its subsequent order dated 20.11.2024.

7. In the said order itself, it has been recorded that, the charge memo having been prepared was issued on 15.10.2024 which was received by the appellant / writ petitioner on 24.10.2024.

8. It is also stated by the learned counsel appearing for the appellant that, the subsistence allowance has been continuously paid to him already.

9. When that being the position, we feel that, in view of the mandate issued under G.O.(Ms)No.81 as referred *supra*, it is the duty on the part of the Disciplinary Authority to complete the disciplinary proceedings at the earliest point of time i.e., three months from the date of receipt of a copy of this order. For such time bound compliance, the appellant / delinquent also shall give full co-operation. He is entitled to continuously seek his subsistence allowance till then.



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10. It is made clear that, if within the time frame fixed now, the respondents have not completed the disciplinary proceedings and final orders are passed, it is open to the appellant to approach this Court to seek for indulgence for the review of the suspension order.

11. With this liberty and observation, this Writ Appeal is dismissed confirming the order passed by the learned Judge. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)

02.12.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

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