



WEB COPY

W.P.No.19574 of 2021
and W.M.P.No.20861 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19574 of 2021
and W.M.P.No.20861 of 2021

Dr.T.Rajendran,
S/o.Thambi Annan,
Veterinary Assistant Surgeon,
(Selection Grade),
Animal Husbandry &
Veterinary Services Department,
No.4/409-1, Doramangalam Village & Post,
Mettur Taluk,
Salem District - 636 501.

...

Petitioner

versus

1.Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Director of Animal Husbandry
& Veterinary Services,
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 relating to 1) G.O.(D).No.153, Animal Husbandary Dairying and Fisheries (AH1-2) Department, dated 22.04.2021 passed by the 1st respondent and 2)



Proceedings Na.Ka.No.7872/L1/2005, dated 28.08.2020 of the 2nd respondent, to quash the same and to issue consequential directions to the respondents to regularize the suspension period from 13.08.2004 to 31.01.2010 as duty for all purposes and to grant consequential service and monetary benefits such as annual increments, promotion, fixation of pay, etc. withheld on account of pendency of disciplinary and criminal proceedings.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.K.V.Ravikumar
Government Advocate

ORDER

Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.K.V.Ravikumar, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has filed this Writ Petition, challenging the Government Order dated 22.04.2021 passed by the 1st respondent and the proceedings of the 2nd respondent dated 28.08.2020 and also to issue consequential directions to the respondents to regularize the suspension period from 13.08.2004 to 31.01.2010 as duty for all purposes and to grant monetary benefits.



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3. The petitioner was given with a charge memo for initiating disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the 2nd respondent. An Enquiry Officer was appointed and he has been filed a negative report. The disciplinary authority without chosen to either accept or reject the report, had influenced the Enquiry Officer to file yet another enquiry report. A criminal case filed against the petitioner has also been dropped. The punishment has been imposed to treat the period of suspension between 13.08.2004 and 31.01.2010 as duty. The normal punishment of stoppage of increment for 3 months was imposed against the petitioner.

4. Mr.M.Ravi, learned counsel for the petitioner submitted that the criminal proceedings initiated against the petitioner was ended in acquittal. The appeal remedy is also not available to the petitioner because the 1st respondent has himself issued the Government Order. Despite the Enquiry Officer has given a negative report only in view of the direction given by the disciplinary authority, a revised report has been filed and that is also illegal. Hence, the petitioner has filed this Writ Petition.



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5. Mr.K.V.Ravikumar, learned Government Advocate for the respondents submitted that after the 2nd respondent perused the entire records, he came to know that the Enquiry Officer has not considered the necessary documents and witnesses by stating that out of two criminal cases filed against the petitioner, one is pending and the Enquiry Officer has also omitted to notice that the Village Administrative Officer of Selavadai Village has stated that the Correspondent of Sri Rajendra Nursery and Elementary School is one Nallathambi but the District Elementary Educational Officer, Salem has stated that one P.Krishnaveni is the Correspondent of the said School.

6. Since the Enquiry Officer has not taken into consideration of the several vital aspects and the failure on the part of the petitioner to intimate his detention to the Head of Department, the 2nd respondent returned the enquiry report to the Enquiry Officer himself to consider it afresh and file a report.

7. It appears that the criminal case initiated against the petitioner has also ended in acquittal. Even though some grave charges have been



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raised against the petitioner, the enquiry officer has filed a report stating that the charges have not been proved. Even by taking a contrary view on the enquiry report, the disciplinary authority had chosen to impose a minor punishment of 3 months stoppage of increment and that has been confirmed by the 1st respondent as well.

8. It is seen that the petitioner has got some family issues and one Kavitha who claimed to be the wife of the petitioner is said to have given a complaint before the All Women Police Station for dishonestly getting her jewels and money. It is brought to the notice of the Court that the said Kavitha has filed H.M.O.P.No.124 of 2005 before the Sub Court, Mettur for demanding jewels on the ground of cruelty. But the said petition was dismissed because the petitioner himself did not prove before the Court that he is the husband of Kavitha. A criminal case filed against the petitioner in Crime No.42 of 2004 has also ended in acquittal through the judgment dated 11.02.2009 in C.C.No.127 of 2006 before the learned Judicial Magistrate No.II, Mettur.



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9. The disciplinary enquiry has been initiated only on the same set of allegations that have been raised in the matrimonial proceedings. But the 1st respondent without considering these facts stated by the petitioner in his appeal grounds have chosen to pass an order by mechanically confirming the order of the disciplinary authority. The petitioner was unnecessarily kept under suspension during the entire period for which the criminal case was pending. The petitioner has filed a Writ Petition in W.P.No.4168 of 2012 challenging the charge memo and to regularize his services from 13.08.2004 to 31.01.2010. In the said Writ Petition, the respondents 1 and 2 are directed to pass final orders in respect of the charge memo issued against the petitioner but the petitioner's period of suspension was not regularised.

10. Since no order has been passed in respect of regularisation of the leave period under which the petitioner was kept under suspension, the 1st respondent is directed to pass orders afresh by taking into consideration of the criminal case which ended in acquittal and pass appropriate orders on its own merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. The punishment of stoppage of increment for 3 months imposed against the petitioner alone is set aside.



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

Consequently, connected Miscellaneous Petition is closed.

07.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Animal Husbandry, Dairying & Fisheries Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Animal Husbandry & Veterinary Services,
Chennai - 600 035.



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R.N.MANJULA, J.

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