



WEB COPY



W.P.No.22521 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22521 of 2024

and

W.M.P.Nos.24535 & 24536 of 2024

P.Narendran
Petitioner

..

Vs.

1.The Directorate of Agriculture,
Agricultural Department,
Chepauk, Chennai – 600 005.

2.The Joint Director of Agriculture,
Tiruvannamalai,
Tiruvannamalai District.

3.The Assistant Joint Director of Agriculture,
Peranamallur,
Tiruvannamalai District.

.. 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 2nd respondent made in Se.Mu.Aa.No.A4/6470/2023 dated 06.03.2024 and to quash the same and consequently direct the respondents to reinstate the petitioner in service along with backwages, attendant service, continuity of service.



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For petitioner : Mr.J.Pradeep

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in Se.Mu.Aa.No.A4/6470/2023 dated 06.03.2024 and for a consequential direction to the respondents to reinstate the petitioner into service with all backwages and attendant benefits.

2.When the matter came up for hearing on 08.08.2024, this Court passed the following order:

“Learned Additional Government Pleader appearing on behalf of respondents shall take instructions from the respondents and inform this Court as to who is the appellate authority, who can deal with the grievance of the petitioner, who has now been removed from service. The Apex Court has time and again insisted that there must be one appellate authority for any delinquent employee, who suffers punishment. Therefore, if the learned Additional Government Pleader is able to ascertain the appellate authority, this Court can send the petitioner to the appellate authority to work out his remedy.

Post this case on 12.08.2024 at the end of motion list.”

3.Pursuant to the above order, the matter was listed for hearing



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today and the learned Additional Government Pleader produced the written instructions received from the Directorate of Agriculture. On going through the written instructions, it is seen that the petitioner has an appellate remedy before the 1st respondent, who is the Director of Agriculture Department.

4.The learned counsel for the petitioner submitted that the petitioner was engaged as a Driver by the 2nd respondent from the year 2013 and he underwent a selection process and he was appointed on a consolidated pay. The 2nd respondent has proceeded to terminate the services of the petitioner in a hasty manner based on some unsubstantiated allegations and based on the enquiry report which was collected from the Enquiry Officer, who did not follow the principles of natural justice. The learned counsel submitted that the order passed by the 2nd respondent on the face of it is in violation of principles of natural justice and it requires the interference of this Court.

5.Per contra, the learned Additional Government Pleader appearing on behalf of respondents submitted that the petitioner was appointed as a



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Driver on a consolidated pay by the 2nd respondent. As per the relevant Government Order, the service of the petitioner is liable to be terminated at any time without prior notice if any dereliction of duty is found on the part of the petitioner. Certain serious complaints were made against the petitioner and therefore, the 2nd respondent also conducted a detailed enquiry by appointing an Enquiry Officer. The Enquiry Officer has submitted a report on 17.08.2023 and it was found that the charges levelled against the petitioner was true. Therefore, considering the same and also the fact that the appointment of the petitioner is purely temporary, the services were terminated. The learned Additional Government Pleader also relied upon G.O.Ms.No.48 dated 25.02.2022 to substantiate his submissions.

6.In the considered view of this Court, if this Court renders its opinion one way or the other on the merits of the case, it will virtually seal the possibility of the petitioner from working out his remedy before any other authority. Now that the learned Additional Government Pleader has received instructions to the effect that the petitioner has an appellate remedy before the 1st respondent, this Court deems it fit to send the



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petitioner to the appellate authority to redress his grievance. All the grounds that have now been raised by the petitioner shall also be raised by the petitioner before the 1st respondent.

7.In the light of the above discussions, there shall be a direction to the petitioner to file an appeal before the 1st respondent within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall grant opportunity to the petitioner and shall take a final decision within a period of eight (8) weeks thereafter. It is left open to the petitioner to raise all the grounds before the 1st respondent.

8.This Writ Petition is disposed of with the above terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

N.ANAND VENKATESH, J.



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To

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Tiruvannamalai District.
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