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W.A.Nos.69, 75 and 86 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

**Writ Appeal Nos.69, 75 and 86 of 2024
and C.M.P.Nos.404, 417 and 436 of 2024**

1. The Commissioner And Principal Secretary To Government
Agricultural Production,
Agriculture (AAI) Department,
Fort St. George, Secretariat, Chennai-600009
- 2.The Director Of Agriculture
Chepauk, Chennai-600005
3. The Joint Director Of Agriculture
West Kanmai Street (Near Water Tank),
Thallakulam, Madurai-625002
4. The Assistant Director Of Agriculture
Soil Testing Laboratory, Sivagangai-630562 ... Appellants in
all the appeals

-Vs-

1. K.Kannamani
2. R.Prema
Assistant Director Of Agriculture,
Office Of The Assistant Director Of Agriculture
Tharamangalam, Salem-636502. Respondents
in all the appeals



W.A.Nos.69, 75 and 86 of 2024

Prayer : Writ Appeals under Clause 15 of the Letters Patent against the common order dated 07.03.2023 in W.P.Nos.5689, 5685 and 5678 of 2019.

In all W.As.

For Appellants : Mr.R.Ramanlal
Additional Advocate General
assisted by Mr.M.Alagu Gowtham
Government Advocate

For Respondents : Mr.Jaisivaramaraj - for R1
No appearance - for R2

COMMON JUDGMENT

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

These intra Court appeals are directed against the common order passed by the Writ Court dated 07.03.2023 in W.P.Nos.5689, 5685 and 5678 of 2019. Therefore, all these writ appeals were heard together and are disposed of by this common judgment.

2. As against the first respondent, who was working at the appellant Department, there had been alleged delinquencies said to have been occurred in the year 2005. For 11 long years, nothing had happened and no action had been taken. After 11 years, only in the year 2016 ie., on 02.09.2016, three separate charge memos were issued, pursuant to which enquiry officer was appointed and enquiry was conducted. Ultimately, on the basis of the enquiry



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officer's report, the disciplinary authority had imposed the punishment of censure in two cases that is covered in W.A.Nos.69 and 86 of 2024 and in one case ie., in W.A.No.75 of 2024, punishment of stoppage of increment for six months without cumulative effect has been imposed.

3. Aggrieved over the said punishment separately given in three charges, the first respondent / writ petitioner has moved three separate writ petitions. That is how those writ petitions came to be filed.

4. The learned Writ Court had considered the factual matrix and found factually that though the alleged occurrence taken place in the year 2005 and for 11 long years there has been no movement from the employer and only in the year 2016 they came out with three separate charge memos.

5. It is also pointed out by the learned Judge that it is not only the delay in initiating the disciplinary proceedings, but also there was impermissibility of splitting up of the charges. If there are three charges which are similar to each charge for the alleged delinquencies that had taken place in a particular point of time in the year 2005, there had been no necessity for issuing separate charge memos. That apart, if at all there has been any delinquency based on which complaints have been received by the employer against the respondent



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employee, immediately disciplinary proceedings could have been initiated.

However, no such action has been taken for 11 years and only in the year 2016 the employer has come out to frame charges and issue charge memo to the respondent / employee.

6. Such a huge and inordinate delay has not at all been explained by the employer. This has been noted by the learned Judge. Based on these factors and the judgments of the Hon'ble Supreme Court, the learned Judge ultimately allowed the writ petitions.

7. Mr.Ramanlal learned Additional Advocate General made an attempt to assail the impugned order stating that the writ petition was allowed only on the ground of delay in initiating disciplinary proceedings and also impermissibility of splitting the charges without taking into consideration the merits of the case. Therefore, he submits that the impugned order of the writ Court is infirm and seeks indulgence of this Court.

8. Heard Mr.Jaisivaramaraj, learned counsel for the first respondent / employee.



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9. Apart from these two vires ie., inordinate delay as well as impermissibility of splitting of charges, which has been mainly focussed by the learned Judge through the impugned order, we have also gone through the charge memo that has been served on the respondent / writ petitioner. On a perusal of the charge memo, we find that it is a vague one. There has been no specific instance mentioned in the charge memo except to state that the delinquent has picked up quarrels very often with the co-employees, thereby the work atmosphere at the employer's office is getting affected. No specific date or time of such instance has been mentioned in the charge memo. Therefore, it could very well be construed as a vague charge.

10. Apart from the aforesaid vires as pointed out by the learned Judge through the impugned order, the initiation of disciplinary proceedings itself was delayed by 11 years. In this regard, the Courts have repeatedly held that initiation of disciplinary proceedings must be within a reasonable time. Otherwise, if it is initiated belatedly after several years, that itself is a punishment for an employee. Therefore, that kind of inordinate delay in initiating the disciplinary proceedings is impermissible. That view of the law Courts taken consistently can very well be applied to the facts of the present case, which has in fact been applied by the learned Judge while allowing the writ petitions. Therefore, the reasoning given and the conclusion arrived at by the



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learned Judge cannot be faulted with. All these writ appeals are liable to be dismissed and accordingly they are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11. However, at the request of the learned Additional Advocate General appearing for the appellant / Government, the time for complying with the orders passed by the writ Court stands extended for three months from the date of receipt of a copy of this judgment.

(R.S.K.,J.) (C.S.N.,J.)
27.11.2024

NCS : Yes/No
Index : Yes/No
KST

To

Assistant Director Of Agriculture,
Office Of The Assistant Director Of Agriculture
Tharamangalam, Salem-636502.



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C.SARAVANAN, J.

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