



WEB COPY



W.P.No.1428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1428 of 2024
and WMP.No.1456 of 2024

B.Ramesh

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by the Agricultural Production Commissioner
and Principal Secretary to Government,
Fort St.George,
Chennai 600 009
- 2.The Director of Agriculture,
Office of the Commissioner of Agriculture
Chepauk,
Chennai 600 005
- 3.The Additional Director of Agriculture(Personnel Management),
Office of the Commissioner of Agriculture,
Chepauk,
Chennai 600 005
- 4.The Director of Seed Certification and Organic Certification,
Tamil Nadu Organic Certification Department(TNOCD),
Electronic Complex, Block 3, 2nd Floor,
SIDCO Industrial Estate, Guindy,
Chennai 600 032
- 5.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Lawley Road,
P N Pudur, Coimbatore 641 003

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to promote the petitioner retrospectively from the date his immediate junior was promoted as Assistant Director of Agriculture and further regularise the petitioner's suspension period from 28.03.2014 to 27.03.2017 as his duty period and include the petitioner in the 2023-2024 Deputy Director of Agriculture (Extension) promotion panel for as per seniority and grant the annual increments and other monetary benefits based on the petitioner's representations dated 06.06.2023, 12.09.2023, 05.10.2023 and 22.11.2023.

For Petitioner : Mr.Akshai Sjin Kumar V.L.

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to promote the petitioner retrospectively from the date his immediate junior was promoted as Assistant Director of Agriculture and to regularise his suspension period from 28.03.2014 to 23.07.2017 as duty period and also to include the petitioner's name in the promotion panel to the post of Deputy Director of Agriculture.



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2. Heard, the learned counsel appearing on either side.

3. The petitioner was appointed as Agricultural Officer through Tamilnadu Public Service Commission. He had joined in the post of Agricultural Officer on 23.09.1996. While being so, a former employee lodged complaint and in pursuant to the same, FIR has been registered in crime No.12 of 2014 for the offence under Sections 419 of IPC and 66-D of Information Technology Act. In pursuant to the registration of FIR, he was arrested and remanded to judicial custody. Therefore, the petitioner was served with charge memo as per Rule 17(e) of the Tamilnadu Civil Services(Discipline and Appeal) Rules. He was also kept under deemed suspension. It was challenged before this Court in WP.No.10107 of 2015 and this Court by an order dated 08.06.2015 allowed the writ petition and set aside the order of suspension. However, the petitioner was not reinstated into service. In the meanwhile, the criminal case ended in acquittal in CC.No.14 of 2015 on the file of the VII Judicial Magistrate, Coimbatore. Subsequently, the petitioner was served with charge memo and the same was challenged before this Court



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in WP.No.39249 of 2015 and the same was dismissed by this Court by an order dated 14.09.2017. It was also confirmed by the Hon'ble Division Bench of this Court in WA.No.705 of 2018.

4. In pursuant to the acquittal order passed by the criminal court, the petitioner was reinstated into service. In the departmental proceedings, after conducting enquiry, final order has been passed thereby the petitioner was exonerated from all the charges. Even then, the name of the petitioner is not included in the promotion panel to the higher post. Though the petitioner's name was found in the seniority list as No.6, he was not promoted to the next higher post on the ground that the disciplinary proceedings is pending as per the communication dated 05.05.2023. Now the disciplinary proceedings completed and the petitioner was exonerated from all the charges.

5. Therefore, the respondents are directed to promote the petitioner retrospectively from the date his immediate junior was promoted as Assistant Director of Agriculture along with all attendant



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benefits. The respondents are further directed to regularise the petitioner's suspension period from 28.03.2014 to 27.03.2017 as his duty period and to include his name in the promotion panel to the post of Deputy Director of Agriculture within the period of eight weeks from the date of receipt of copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Agricultural Production Commissioner
and Principal Secretary to Government,
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