



W.P.(MD).No.3478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3478 of 2024

K.Velmurugan

... Petitioner

Vs.

1.The Agricultural Production Commissioner and Principal
Secretary to Government,
Department of Agriculture,
Secretariat, Fort St.George,
Chennai – 9.

2.The Director of Agriculture,
O/o.The Director of Agriculture,
Chepauk, Chennai -5.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to conclude the disciplinary proceedings initiated against the petitioner by considering the representation dated 01.11.2023 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Shaji Bino

Special Government Pleader



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ORDER

Mr.S.Shaji Bino, learned Special Government Pleader takes notice for the respondents.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was appointed in the post of Agricultural Officer in the year 2009. He was visited with a charge memo on 10.07.2019 belatedly for the alleged misconduct committed during the year 2013-2014. An Enquiry Officer was appointed before whom the petitioner submitted his detailed explanation on 01.08.2019. However, the Enquiry Officer concluded his proceedings holding that the charges against the petitioner were proved. On receipt of the Enquiry Officer's report, the petitioner made a detailed representation explaining his innocence vide letter dated 19.03.2021. Even after the receipt of the same, the 1st respondent, who is the disciplinary authority, without passing



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final orders kept the same in abeyance. However, the petitioner made several representations last of which were made on 09.06.2023 and 01.11.2023. The petitioner has submitted a reminder to the 1st respondent in person as well. However, the same were not considered.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of this case, this Court hereby directs the respondent No.1 to conclude the disciplinary proceedings initiated against the petitioner by considering the representation dated 01.11.2023 and pass



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appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

15.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM

To

1.The Agricultural Production Commissioner and Principal Secretary to Government,
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Secretariat, Fort St.George,
Chennai – 9.

2.The Director of Agriculture,
O/o.The Director of Agriculture,
Chepauk, Chennai -5.



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L.VICTORIA GOWRI, J.

CM

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