



W.P.(MD)No.6848 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6848 of 2021

A.Ayyanar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Agriculture Production Commissioner/
Principal Secretary,
Agriculture Department,
Secretariat, St. George Fort,
Chennai.

2.The Assistant Director of Agriculture,
O/. the Assistant Agricultural Office,
Athoor @ Sempatty,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned dismissal order passed by the first respondent in his proceedings in அரசாணை(3னு) எண்.148 வேளாண்மை (வேந்8) துறை dated 20.09.2019 and consequential rejection order passed by the first respondent in his proceedings in G.O.(3D)No.256, Agriculture (AA8) Department, dated 30.12.2020 and quash the same as illegal.

For Petitioner

: Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For Respondents

: Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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This Writ Petition has been filed to quash the impugned dismissal order passed by the first respondent in his proceedings in அரசாணை(3னு) எண்.148, வேளாண்மை (வேநி8) துறை, dated 20.09.2019 and consequential rejection order passed by the first respondent in his proceedings in G.O. (3D)No.256, Agriculture (AA8) Department, dated 30.12.2020

2.The petitioner was appointed as a Field Demonstration Officer on 13.01.1986 at Agricultural Department, Thoppampatty, Dindigul District and thereafter, he was promoted as an Agricultural Assistant Agricultural Officer on 01.07.1997 at Nilakottai, Dindigul District. He attained the age of superannuation on 30.04.2018. However, he was placed under suspension and was not allowed to retire from service by the 2nd respondent in his proceedings, dated 27.04.2018, alleging that an enquiry into grave charges is pending against him. While he was serving as the Assistant Agricultural Officer at Kundadam, Dharapuram Taluk, Erode District, now Tiruppur District, a charge memo came to be issued by the Tribunal for Disciplinary Proceedings, Coimbatore, in his proceedings, dated 19.03.2008, alleging that while implementing Coconut Development Scheme in Kundadam Block, Erode District, during the year 2006-2007, the petitioner committed malpractice, prepared bogus bills and vouchers in the name of the farmers,



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Thiru.P.Govindasamy, Thiru.K.Nachimuthu and Thiru.S.Muthusamy and used them as genuine for the claim of subsidy for laying out Coconut Demonstration plot in their fields and misappropriated Rs.22,314/-, the cost towards the supply of bio-fertilizers to the three farmers and failed to supply the same free of cost, thereby the Accused Officers confessed themselves in a manner unbecoming of public servants. The Tribunal in the disciplinary proceedings came to the conclusion that the charge levelled against the petitioner stood proved.

3.On receipt of the said enquiry report, the petitioner had submitted his further explanation. However, not satisfying with the same, the petitioner was imposed with a punishment of "Dismissal from Service" by the first respondent in his proceedings, dated 20.09.2019. Aggrieved by the said punishment order, he preferred a revision petition to the 1st respondent on 11.11.2019, to set-aside the punishment order. Since no order has been passed on the revision petition, the petitioner was constrained to file a Writ Petition before this Court in W.P.(MD).No. 9639 of 2020 and the same has been disposed of, by an order dated 20.08.2020, by directing the 1st respondent to pass orders on his revision petition within a period of three months. On receipt of the same, the 1st respondent by his impugned proceedings dated 30.12.2020, rejected the claim of the petitioner, that too, without assigning any valid reasons. There is no direct evidence to prove the case of receipt of bribe except



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one Muthusamy, who had stated that he has given Rs.4000/- to all the Accused Officers. It is pertinent to point out here that due to personal enmity, he gave such statement without any valid proof. Further, in respect of the 1st count of charge, the allegation of receiving Rs.10000/- bribe was proved only as against the Accused Officer No.1, viz., K.P.Muthusamy, Agricultural Development Officer, which was confirmed by the prosecution witness viz., Thiru.K.Nachimuthu and P.Govindasamy. In respect of the 2nd count of charge regarding prepared bogus bills and vouchers, the same was not proved in the enquiry and non supply of bio-fertilizer worth Rs.7500/- to Tmt.Subbulakshmi was proved as against the Accused Officer No.3 viz., K.Janadhanan, Depot Manager, based on the statement given by one Subbulakshmi. But, so far no enquiry was completed as against them and they were set free from the disciplinary proceedings. However, the petitioner alone has been imposed with the punishment of dismissal from service for no fault of him. Challenging the impugned order of dismissal from service dated 20.09.2019 and consequential rejection order passed by the first respondent dated 30.12.2020, this Writ Petition came to be filed.

4.The learned counsel appearing for the petitioner submitted that the respondents have not conducted enquiry as against the Accused Officer no.1 and Accused Officer no.3 and having set them free from disciplinary proceeding, the petitioner alone has been imposed with the



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punishment of dismissal from service for no fault of him, despite the charge as to the allegation of receiving a bribe of Rs.10,000/- was proved only against the Accused Officer No.1 namely, K.P.Muthusamy. In view of the same, contending that the impugned order of dismissal order of service is shockingly disproportionate, the learned counsel appearing for the petitioner required to quash the impugned order and remand the same back to the respondents.

5.The first respondent has filed a counter affidavit and the learned Special Government Pleader appearing for the respondents submitted that Thiru.A.Ayyanar, the petitioner was initially appointed as Field Demonstration Officer and subsequently promoted as an Assistant Agricultural Officer. While, the petitioner was working as the Assistant Agricultural Officer, Office of the Agricultural Development Officer, Kundadam, Dharapuram Taluk, Erode District now Tiruppur District, during the year 2005 – 2007, the petitioner herein along with Thiru.K.P. Muthusamy, Agricultural Development Officer, Kundadam and Thiru.K. Janardhanan, Depot Manager, Office of the Agricultural Development Officer, Kundadam committed malpractice by preparing Bogus Bills and Vouchers in the name of some farmers in implementing the Coconut Development Scheme. On the basis of the detailed investigation conducted by the Director of Vigilance and Anti-Corruption, at Chennai, the said officers were placed before the Tribunal for disciplinary



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proceedings, Coimbatore and the charges were framed against them in TDP Case No.6/2008, dated 19.03.2008. Hence, the petitioner was placed under suspension and not permitted to retire from the Government Service at the time of attaining the age of superannuation on 30.04.2018, vide proceedings of the Director of Agriculture, Chennai, in his proceedings No.VCS1/126919/2007, dated 27.04.2018. For the proved charges of misappropriation of Government money by preparing Bogus Bills and Vouchers in the name of the farmers in implementing Coconut Development Scheme against the petitioner, he was imposed with the punishment of "Dismissal from Service" by the first respondent in G.O. (3D)No.148, Agriculture (AA8) Department, dated 20.09.2019. On receipt of the orders, the petitioner submitted a Review Petition on 11.11.2019 and requested to cancel the above punishment. The first respondent called for the views of the Tamil Nadu Public Service Commission under regulations 18(1)(a) of the Tamil Nadu Public Service Commission Regulations, 1954. The Tamil Nadu Public Service Commission in its letter has stated *inter alia* that the review petitioner has not put forth any strong evidence and acceptance reasons to deny the charges framed against him and as such the review petition may be rejected as devoid of merits. The first respondent rejected the review petition submitted by Thiru.A.Ayyanar, the petitioner herein and passed orders in G.O.(3D)No. 256, Agriculture (AA8) Department, dated 30.12.2020. In view of the aforesaid submissions, he pressed for dismissal of the Writ Petition.



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6. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and carefully perused the materials available on record.

7. It is needless to state that the instant case is the case of corruption for which, detailed investigation was conducted by the Director of Vigilance and Anticorruption, at Chennai and following which, the petitioner was placed under suspension and not permitted to retire from Government Service on attaining the age of superannuation on 30.04.2018. After elaborate enquiry, the petitioner's charges came to be proved and he was imposed with punishment of dismissal from service by the first respondent in G.O.(3D).No.148, Agriculture (AA8) Department, dated 20.09.2019. Even in the review petition preferred as against the same, the Government rejected the same only after recording the views of Tamil Nadu Public Service Commission, in which Tamil Nadu Public Service Commission has stated that, the review petitioner has not put forward any strong new evidence denying the charges framed as against him. The respondents have categorically contended that the attempt of the Accused Officer no.1 namely, K.P.Muthusamy and the petitioner have carefully taken brazen steps to shift the allegations towards the third Accused Officer namely, K.Janardhanan and the same is condemnable. Apart from the petitioner, the co-delinquent was also awarded with



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punishment of dismissal from service. Though the petitioner contends that the Department has not proceeded as against Accused no.1 and Accused no.3, it has been brought to the notice of this Court by the learned Special Government Pleader that the Accused Officer no.1, namely, K.P.Muthusamy Agricultural Development Officer, has also been imposed with the punishment of dismissal from service vide G.O.(3D)No. 32, Agriculture (AA8) Department, dated 15.02.2021. As far as the Accused Officer no.3 namely, K.Janardhanan, Depot Manager, is concerned, it is only because he had expired, the departmental proceeding stood abated. No doubt the instant case is a case of corruption in the Department of Agriculture. Constant Legislative reforms and strict Judicial actions have not still been able to completely uproot the deeply rooted social evil of corruption. Corrupt practices increases inequality, decreases accountability and transparency causing frustration and difficulty among the common man.

8.Hence, I am of the considered view that the cases of corruption has to be dealt with iron hands irrespective of the amount involved, as the same goes to the root of democracy, shaking the development and prosperity of the Nation.

9.In view of the same, I am not inclined to interfere with the impugned order.



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10. Accordingly, this Writ Petition fails and stands dismissed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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L.VICTORIA GOWRI, J.

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