



W.A.(MD) No.1726 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1726 of 2024
and
C.M.P.(MD) No.13256 of 2024**

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Agriculture - Farmers Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Director of Agriculture,
Directorate of Agriculture,
Chepauk,
Chennai - 5.

3.The Joint Director of Agriculture,
O/o. the Joint Director of Agriculture,
Collectorate Campus,
Thoothukudi District.

... Appellants

-VS-

J.Murugabharathi

... Respondent



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WEB COPY Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order, dated 02.04.2024, passed in W.P.(MD)No. 12976 of 2023.

For Appellants : Mr.P.T.Thiraviam
Government Advocate

For Respondent : Mr.T.Aswin Rajasimman

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this Writ Appeal is to the order of the Writ Court, dated 02.04.2024, directing the appellants to regularize the period of absence from duty between 01.08.2019 and 12.12.2022 and pass orders in accordance with Rule 54-A(1) and (3) of the Fundamental Rules, within a period of six weeks from the date of receipt of a copy of that order.

2. The Writ Petition arise under the following circumstances:-

2.1. The respondent / writ petitioner, who was working in the Agriculture Department as Joint Director of Agriculture, was charge sheeted on the ground



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that he had not conducted the Farmers Field School Training Programmes under the Integrated Cereals Development Programme (ICDP) in four Villages during the years 2002 -2003 and 2003 – 2004 and had misappropriated about Rs.29,625/- by fabricating bills.

2.2. One Muthukrishnan was appointed as Enquiry Officer, who filed a report stating that the charges were proved. Based on that, after obtaining the permission from the Tamil Nadu Public Service Commission, the authority imposed a punishment of compulsory retirement.

2.3. The same was challenged by the respondent in W.P.(MD)No.18206 of 2019. The Writ Petition came to be allowed by the learned Single Judge on 01.04.2021 and an appeal in W.A.(MD)No.625 of 2022 filed by the appellants, challenging the order of the learned Single Judge, was partly allowed on 29.06.2022. While confirming the order setting aside the punishment of compulsory retirement, the Division Bench of this Court imposed a punishment of stoppage of increment for a period of 18 months without cumulative effect and also directed the respondent to be reinstated in service within a period of four



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weeks with all consequential service and monetary benefits. Admittedly, this judgment has become final. Thereafter, the authorities invoked the principle "No Work No Pay" and also applied Rule 54-B(1)(7) of the Fundamental Rules and denied monetary benefits to the respondent. This was subject matter of challenge in W.P.(MD)No.12976 of 2023.

2.4. The learned Single Judge had held that it is Rule 54-A (1) of the Fundamental Rules that would apply and not Rule 54-B (1) (7) of the Fundamental Rules, as Rule 54-B (1) (7) of the Fundamental Rules exclusively deals with suspension.

2.5. In the light of the said conclusion, the learned Single Judge directed regularization of the service and payment of all monetary benefits.

3. While sustaining the reasonings of the learned Single Judge, we also wish to add that once the Division Bench had disposed of the Writ Appeal and made it clear that the respondent would be entitled to all the monetary and service benefits consequent upon setting aside of the punishment of compulsory



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retirement, it will not be open to the appellants to treat the absence otherwise than on duty. Hence, we see no reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
03.10.2024



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