



WEB COPY



WA No. 1957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A No. 1957 of 2023 AND
CMP NO. 16678 OF 2023**

The Agricultural Production Commissioner
and Secretary to Government, Agriculture
Department, Fort St. George,
Chennai - 600009.

... Appellant

Vs

S.Chakravarthi
S/O. R.Srinivasan, No.52K,
Narayanasamy Street, Aathur Post
and Town, Salem District- 636102.

... Respondent

PRAYER

Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 13.04.2022 made in WP No.28664 of 2013 and allow this Writ Appeal.

For Appellant(s): Mr. R. Kumaravel,
Additional Government Pleader

For Respondent(s): M/s. G. Ilamurugu



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J U D G M E N T

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 13.04.2022 made in W.P.No.28664 of 2013. Before the Writ Court, the order of punishment of withholding the increment for two years with cumulative effect imposed on the respondent has been questioned.

2. The learned Writ Court, after having gone through the entire facts of the case including the charge memo as well as the enquiry officer's report and the deposition of the witnesses, especially P.W.72, who is a similar officer like the delinquent, has held as follows:-

" 3. The petitioner herein was arrayed as the 8th delinquent in the enquiry proceedings before the Tribunal for disciplinary proceedings (hereinafter referred to as -TDP-). The charge against the petitioner was that when he was working as Seed Certification Officer in Vazhapadi Taluk, Salem District during the year 2003-2004, he had created records as if the yield were taken from some of the seed farms, where actually the farm owners had denied the sale of ground nut seeds. As per the charge, such a report was prepared with a view to secure wrongful gain and for misappropriation. Not being satisfied with the petitioner-s explanation, an enquiry was conducted and



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during the course of enquiry, P.W.72 was one among the long list of witnesses who had deposed in the enquiry.

4. Based on the evidences, TDP had held the charges against the petitioner to be proved and the respondent herein, while placing reliance on the TNPSC-s recommendations dated 14.08.2013, had imposed the punishment of stoppage of increment for a period of two years with cumulative effect and for recovery of a sum of Rs.3,999.75 from the petitioner-s salaries, through the impugned order dated 27.08.2013. The said order is under challenge in the present writ petition.

5. Insofar as the proven charge No.2 is concerned, the TDP had held that the petitioner herein/8th delinquent had inspected the seeds and had procured the same. After holding so, the TDP had recorded that since the witnesses have deposed that these seeds were not sold, delinquent officers 1 to 7 were liable for the said false claim of having sold the seeds. There was absolutely no reference to the involvement of the petitioner/8th delinquent in the report of the TDP with regard to procurement or disbursement of subsidies or any sort of cash transaction. This aspect has not been considered, either by the TNPSC in its recommendations through their report dated 14.08.2013, nor by the disciplinary authority in the impugned order dated 27.08.2013.

.....

8. But the fact remains that the evidence of P.W.72 speaks otherwise whereby the petitioner-s duties and responsibilities appears to be totally irrelevant to the



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charges. According to P.W.72, he had earlier held the post of Seed Certification Officer along with the petitioner herein. In his chief examination as well as cross examination, he had categorically stated the duties of Seed Certification Officer commence from the inspection of the seeds, till they reach the concerned godown and thereafter it is the Assistant Agricultural Director, who would fix the price of the seeds and all other procurement and disbursement of subsidies are done by him. In other words, as per the version of P.W.72, the duties and responsibilities of a Seed Certification Officer is purely a field work which commences from the inspection and ends when the seeds reach the godown. All further activities which involve fixation of price, release of subsidies etc., are done by the Agricultural Director and the Seed Certification Officer has absolutely no role in it.

9. The charge against the petitioner is that he, along with other Agricultural Development Officers/Assistant Agricultural Officers, had created reports as if yield were taken from the seed farms and had falsely stated that the seeds were procured from 12 farmers for the purpose of misappropriating the Government funds. When the petitioner had absolutely no role in procuring the seeds and such role is vested with the Agricultural Development Officers/Assistant Agricultural Officers, the TDP had totally ignored the evidence of P.W.72 and held the charge against the petitioner/Seed Certification Officer as proved. Above all, the TDP had implicated the delinquencies on the seven officers alone and not on the petitioner. Thus, this



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Court is of the view that the enquiry report itself is based on -No evidence- and therefore the report holding the petitioner guilty of Charge No.2 cannot be sustained.

3. Therefore, the learned Judge has factually found that the writ petitioner had absolutely no role in procuring the seeds and such role is vested with the Agricultural Development Officer / Assistant Agricultural Development Officer. This fact has been ignored by the Tribunal for Disciplinary Proceedings (TDP).

4. Moreover, though a number of witnesses have been cited, only P.W.72 has deposed before the enquiry officer otherwise, whereby he deposed that the duties and responsibilities of a Seed Certification Officer is purely a field work which commences from the inspection and ends when the seeds reach the godown and thereafter it is the Assistant Agricultural Development Officer who would fix the price of the seeds and completes all other procurement and disbursement formalities.

5. These factual aspects would go to show that the writ petitioner / respondent herein has no role to play in procuring the seeds and fixing the price. Therefore, the question of any room for misappropriation does not arise. Hence, the learned Judge has come to the conclusion that the enquiry officer, without appreciating the evidence and the role of the writ



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petitioner, since has given a report as if that the charges made against the delinquent has been proved, which was accepted by the disciplinary authority, without having gone through the same in proper perspective. Therefore, the punishment awarded against the writ petitioner / respondent was set aside by the learned Judge, which, in our considered opinion, is perfectly justified because, the learned Judge has given reasons as to why he has come to such a conclusion.

6. We are in agreement with the conclusion arrived at by the learned single Judge and we do not see any reason to interfere with the same. Resultantly, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.SURESH KUMAR, J.)(A.D.MARIA CLETE, J.)
29-04-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
KST



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