



W.A.(MD)No.918 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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&

C.M.P.(MD)No.5941 of 2025

1.The Agricultural Production Commissioner
and Secretary to Government,
Commissionerate of Agriculture,
Chepauk, Chennai-600 002.

2.The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai, Nandanam,
Chennai-35.

3.The Superintending Engineer,
Agricultural Engineering Department,
Chief Engineer Office,
No.487, Anna Salai, Nandanam,
Chennai-35.

... Appellants

-Vs-

R.Thomas

... Respondent



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.11.2024 made in W.P.(MD)No.18244 of 2024 on the file of this Court.

For Appellants : Mr.S.S.Madhavan,
Additional Government Pleader
For Respondent : Mr.I.Pinaygash

JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

This Writ Appeal is directed against the order of this Court dated 21.11.2024 made in W.P.(MD)No.18244 of 2024.

2.It is the case of the respondent / writ petitioner that he was initially appointed as Assistant Engineer (Agricultural Engineering Department) on 21.02.1985. Subsequently, he obtained various promotions. On 20.01.2021 while he was serving as Executive Engineer at Thoothukudi, he was suspended from service and issued with a charge memo on 24.02.2021. Thereafter, Enquiry Officer was appointed. The writ petitioner was about to attain superannuation on 30.06.2022. However, citing the pendency of the charges, the service of the writ petitioner was extended and he was retained in service vide G.O.(3d)No.90,



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Agriculture and Farmers Welfare (AA6) Department, dated 30.06.2022.

Challenging the same, the writ petitioner has filed the said Writ Petition.

3.The Writ Court, after hearing both sides, allowed the Writ Petition, setting aside the said G.O.(3d)No.90, Agriculture and Farmers Welfare (AA6) Department, dated 30.06.2022. Aggrieved by the same, the appellants have filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record carefully.

5.A perusal of the records would show that the 2nd appellant issued second charge memo on 19.09.2023 superseding the first charge memo dated 24.02.2021. The Government Order in G.O.(3d)No.90, Agriculture and Farmers Welfare (AA6) Department, dated 30.06.2022, retaining the writ petitioner in service was issued only based on the first charge memo dated 24.02.2021. When the first charge memo was superseded, the order of retaining the writ petitioner in service will not have legs to stand. Therefore, the Writ Court has rightly set aside the said Government Order and allowed the Writ Petition. We do not find any error or infirmity in the order passed by the Writ Court.

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6. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
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NCC : Yes / No
Index : Yes / No

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