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W.P.(MD)No.12589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12589 of 2023

and

W.M.P.(MD)No.10634 of 2023

P.Gnanavaram

: Petitioner

Vs.

1.The Additional Director of Agriculture,
Chepauk,
Chennai – 5.

2.The Regional Joint Director of Agriculture,
Nagercoil,
Kanyakumari District.

3.The Regional Joint Director of Agriculture,
Nirubar Colony,
Tirunelveli Post,
Tirunelveli District.

: Respondents



W.P.(MD)No.12589 of 2023

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in No.நி. 1/4260/2021 dated 18.05.2023 and the consequential impugned order passed by the third respondent in செ.மு.ஆணை எண்.நி4/7019/2022 dated 19.05.2023 and quash the same as illegal.

For Petitioner : Mr.Vinoharan
for Mr.G.Prabhu Rajadurai
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The petitioner has challenged the impugned order imposing the punishment of compulsory retirement on the petitioner on the following grounds:

a) the petitioner has not received the enquiry report submitted by the enquiry officer in the disciplinary proceedings and therefore, according to her, principles of natural justice has been violated.



W.P.(MD)No.12589 of 2023

WEB COPY

b) the respondents have not strictly adhered to Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary & Appeal) Rules, while furnishing the list of witnesses / documents to be examined by the respondents in the disciplinary proceedings in accordance with the annexures attached to the charge memo.

2.As seen from the counter affidavit filed by the second respondent, enquiry report was furnished to the petitioner by the enquiry officer. However, the same is disputed by the petitioner as seen from the affidavit filed in support of this Writ Petition.

3.The primary ground of challenge to the impugned order is that the petitioner was not furnished with the copy of the enquiry report in the disciplinary proceedings and therefore, principles of natural justice has been violated. The contention of the petitioner is a debatable issue. With the available documents placed on record before this Court, it cannot be conclusively established as to whether the petitioner had received the enquiry report or not. Learned Counsel for the petitioner would now submit on instructions that the petitioner is willing to file an appeal before the first respondent as against the impugned order dated 18.05.2023 passed by the second



W.P.(MD)No.12589 of 2023

respondent imposing the punishment of compulsory retirement on the petitioner. Since this Writ Petition was filed immediately after the impugned order dated 18.05.2023 came to be passed by the second respondent, the request of the learned Counsel for the petitioner has to be entertained by this Court.

4.No prejudice will be caused to the respondents if the petitioner is allowed to file an appeal before the first respondent as against the impugned order dated 18.05.2023 passed by the second respondent.

5.Without going into the merits of the respective contentions, this Court directs the petitioner to file an appeal as against the impugned order dated 18.05.2023 passed by the second respondent before the first respondent, within a period of fifteen [15] days from the date of receipt of a copy of this order. On receipt of the said appeal, the first respondent shall entertain the same, without insisting on the period of limitation and shall pass final orders on merits and in accordance with law, by adhering to the principles of natural justice, within a period of twelve [12] weeks, thereafter.



WEB COPY



W.P.(MD)No.12589 of 2023

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.11.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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W.P.(MD)No.12589 of 2023

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W.P.(MD)No.12589 of 2023

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.12589 of 2023

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