**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.P.No.21290 of 2015**
**and**
**WMP.No.2772 of 2020**

T.Pooviah
Special Grade Agriculture Officer (now dismissed)
57/25-D, Peigopuram 7th Street
Tiruvannamalai 1. ...Petitioner

Vs.

1.The Government of Tamil Nadu
Rep.by its Agricultural Production Commissioner
and Secretary
Fort St.George
Chennai 9.

2.The Commissioner of Agriculture
Chepauk, Chennai 5.

3.The Commissioner
Tribunal for Disciplinary Proceedings
Vellore. ...Respondents

**Prayer:** This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent herein in G.O.(3D) No.78, Agriculture (AAV 8) Department dated 06.04.2011 and the consequential order passed in the review petition by the first respondent in G.O.(3D) No.170 Agriculture (AAV 8) Department on 27.5.2015 and quash the same and consequently direct the first and second respondents herein to confer with all attendant benefits including promotions with due regards to the petitioner's seniority and allow the petitioner to retire from service on the date on which the petitioner reached the age of superannuation with effect from 30.4.2011.

For Petitioner : Mr.P.Vasanth

For Respondents : Mrs.S.Anitha for R1 & R2
Special Government Pleader
R3-Not ready in notice

## ORDER

The petitioner challenges the order dated 06.04.2011 bearing G.O.(3D) No.78, Agriculture (AAV 8) Department, issued by the first respondent, whereby the punishment of dismissal from service was imposed upon him.

2. While serving as an Agricultural Development Officer, the petitioner was issued a charge memo dated 11.04.2006 alleging that he, along with two other delinquents, had misappropriated a sum of Rs.85,762.50 by creating false

records and forging the signatures of several beneficiaries, as if 2,30,000 eucalyptus seedlings valued at Rs.3,45,000/- had been supplied to farmers, whereas only seedlings worth Rs.1,15,650/- were allegedly supplied at a 50% subsidy rate, and the remaining seedlings were not supplied. The petitioner submitted his explanation on 11.04.2006 denying the charges. He participated in the enquiry, and the Enquiry Officer, after recording the statements of 70 beneficiaries, returned a finding that the charges against the petitioner were not proved. The enquiry report was placed before the first respondent. Upon consideration of the report, the first respondent issued a dissenting note dated 11.04.2006 stating that the Subsidy Register revealed corrections made with wrongful intent and that, although the charged officers contended that there were errors in the entries, making incorrect entries in the registers constituted a lapse, and in the present case, the same was done with a profit motive.

3. Based on the dissenting note, the first respondent issued a show cause notice calling upon the petitioner to explain as to why the dissenting note should not be accepted. The petitioner submitted his explanation on 26.11.2006. Thereafter, the first respondent referred the matter to the Tamil Nadu Public Service Commission for its opinion and, upon receipt of such opinion, passed the impugned order of dismissal.

4. Mr.P.Vasanth, learned counsel for the petitioner, submitted that the Enquiry Officer, after conducting a thorough enquiry, had categorically found that the charges were not proved and that the Government ought either to have accepted or rejected the report in accordance with law. Instead, it altered the basis of the charge through a dissenting note and passed the impugned order without properly considering the further explanation submitted by the petitioner. He further contended that the report/opinion of the Tamil Nadu Public Service Commission was not furnished to the petitioner prior to the passing of the impugned order. Therefore, according to him, the impugned order of punishment is arbitrary, discriminatory and legally unsustainable.

5. In support of his contentions, the learned counsel placed reliance on the decisions of the Hon'ble Supreme Court in ***Union of India & Others Vs. S.K. Kapoor,*** reported in ***2011 AIR SCW 1814, and Union of India & Others v. R.P. Singh,*** reported in ***AIR 2014 SC 2541.***

6. In response, Mrs.S.Anitha, learned State Counsel, submitted that the Government, after perusing the enquiry report, the defence of the petitioner and the statements of the beneficiaries, came to the conclusion that the petitioner

was involved in tampering with the registers, which had been admitted. She further submitted that, in the absence of any perversity or arbitrariness in the opinion rendered by the Tamil Nadu Public Service Commission, the impugned order of dismissal passed by the first respondent does not warrant interference.

7. The submissions of the learned counsel appearing on either side and the materials placed on record have been duly considered.

8. The Enquiry Officer submitted a report holding that the charges against the petitioner were not proved. The enquiry report was placed before the Government. However, the Government, deviating from the original charges framed against the petitioner, came to the conclusion that the entries in the Subsidy Registers had been corrected with wrongful intent and further observed that the petitioner had contended before the Enquiry Officer that there were errors in the entries made in the registers and that making incorrect entries constituted a lapse.

9. Based on the dissenting note, the first respondent issued a show cause notice as to why the dissenting view should not be accepted. The petitioner submitted an explanation dated 26.11.2006 stating that Accused No.3, another

delinquent, had wrongly mentioned the price of the sapling as Rs.2/- and the subsidy price as Rs.1/- in his Subsidy Register, whereas the Government-approved full price was Rs.1.50/-. Accused No.3 had admitted during the enquiry that he had made the entries erroneously. Further, during the enquiry, all the farmers stated that they had purchased the saplings by paying 50% of the approved price, i.e., Rs.0.75 per sapling. The petitioner had countersigned the register reflecting the full price of Rs.1.50 and the subsidised price of Rs.0.75 per sapling. It was further stated that Accused No.3 had collected only Rs.0.75 per sapling from the beneficiaries.

10. In his further explanation, the petitioner stated that he had made corrections in the Subsidy Register on account of certain procedural errors committed by the Assistant Agricultural Officer while calculating the target of Rs.2,500/- worth of eucalyptus seedlings as per the target fixed by the Government. He submitted that, based on the statements of the farmers and during subsequent verification, the corrections were necessitated. Though the petitioner furnished a detailed explanation regarding the corrections made in the Subsidy Register, the first respondent, despite being apprised of the same, failed to consider the explanation and did not assign any reasons for rejecting it.

11. The petitioner was dismissed from service not on the basis of the original charge framed against him, but on a deviation therefrom, founded upon the dissenting note and the opinion furnished by the Tamil Nadu Public Service Commission. Admittedly, the opinion submitted by the Tamil Nadu Public Service Commission was not furnished to the petitioner prior to the passing of the impugned order.

12. The Hon'ble Supreme Court, in ***Union of India and Others v. S.K. Kapoor*** (supra), has held that although the provisions of Article 320(3)(c) of the Constitution of India are not mandatory, where the disciplinary authority consults the Public Service Commission and relies upon its report for taking disciplinary action, the principles of natural justice require that a copy of such report must be supplied in advance to the employee concerned to afford him an opportunity to rebut the same. In the present case, the first respondent, without furnishing a copy of the opinion of the Tamil Nadu Public Service Commission and thereby denying the petitioner an opportunity of rebuttal, proceeded to pass the impugned order of dismissal.

13. In ***Union of India and Others Vs. R.P. Singh*** (supra), it was held that non-supply of the enquiry report constitutes a breach of the principles of natural justice. It was further observed that when the advice of the Union Public Service Commission is relied upon as material against the delinquent officer, the same must be supplied in advance. In the present case, the petitioner retired from service on attaining the age of superannuation in the year 2011.

14. In the light of the foregoing discussion, this Court is of the considered view that the order of dismissal is vitiated on account of arbitrariness, violation of Article 14 of the Constitution of India and breach of the principles of natural justice. In such circumstances, the impugned order of dismissal is liable to be quashed. Though the enquiry report was submitted in the year 2005, the impugned order of dismissal was passed only in the year 2011, and the delay has not been satisfactorily explained by the State Government.

15. Accordingly, this Writ Petition is allowed. The impugned order dated 06.04.2011 bearing G.O.(3D) No.78, Agriculture (AAV 8) Department, passed by the first respondent, is hereby quashed. The petitioner is entitled to all

attendant benefits flowing from this order but without back wages. The respondents are directed to compute and disburse all pension and other pensionary benefits payable to the petitioner. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**17.02.2026**

Index : Yes/No
Speaking order : Yes/No
**dna**

**To**

1.The Government of Tamil Nadu
Rep.by its Agricultural Production Commissioner
and Secretary
Fort St.George
Chennai 9.

2.The Commissioner of Agriculture
Chepauk, Chennai 5.

3.The Commissioner
Tribunal for Disciplinary Proceedings
Vellore.

**HEMANT CHANDANGOUDAR.J.,**
**dna**

**W.P.No.21290 of 2015**
**and**
**WMP.No.2772 of 2020**

**17.02.2026**