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W.P.No.7083 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.7083 of 2019

S.Raja Mohamed
S/o.Sahul Hameed
formerly Joint Director of Horticulture
Flat No.B2, L 104, Naveen Spring
Field Apartments Vadakkupattu, Kovilambakkam
Medavakkam, Chennai-100.

... Petitioner

vs.

1. The Director of Horticulture and
Plantation Crops
Chennai-5.
2. The Agriculture Production Commissioner and
Secretary to Government
Agriculture Department
Fort St.George, Chennai-9.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the 2nd respondent in connection with the impugned orders passed by him in GO(3D) No.68, Agriculture (AA8) Department dated 22.05.2018 and quash the same.



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For Petitioner : Mr.K.Venkatramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Ms.V.Yamuna Devi
Special Government Pleader

ORDER

The petitioner has challenged the order dated 22.05.2018 bearing reference No. GO(3D) No.68, Agriculture (AA8) Department, issued by the second respondent. By the said order, the petitioner was imposed with the punishment of recovery of a sum of Rs.2,000/- per month from his pension for a period of two years and recovery of Rs.7,992/- from his retirement benefits.

2. The petitioner, while serving as Joint Director in the Horticulture Department, was issued a charge memo dated 20.03.2017. The allegation against him was that, during his tenure as Assistant Director in the Horticulture Department in the year 2010–2011, he had mechanically approved 32 applications without verifying the land particulars mentioned



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therein. It was alleged that, based on the selection made by the Assistant Horticulture Officer and the recommendation of the Horticulture Officer, Vilathikulam, 2,200 tamarind saplings were issued to 32 farmers at the rate of Rs.7.50 per sapling under the 50% Government subsidy component of the Integrated Horticulture Development Scheme. It was further alleged that subsidy benefits were extended to five ineligible farmers, each receiving 50 tamarind saplings, and that the petitioner failed to verify the genuineness of the beneficiaries, thereby violating the norms and guidelines of the Scheme.

3. The petitioner submitted his reply denying the charges. A departmental enquiry was thereafter initiated, and an Enquiry Officer was appointed. The petitioner participated in the enquiry proceedings, and his defence statement was recorded. Upon consideration of the documentary evidence and the petitioner's defence, the Enquiry Officer submitted a report holding that the charges stood proved.

4. The petitioner submitted a further representation dated 24.04.2018 challenging the findings of the Enquiry Officer. However, the second respondent, after referring to the enquiry report and extracting portions of the petitioner's further explanation, passed the impugned order imposing the



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aforesaid punishment.

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5. Learned Senior Counsel appearing for the petitioner contended that the alleged misconduct pertains to the year 2010–2011, whereas the charge memo was issued only on 20.03.2017, after an inordinate and unexplained delay of more than seven years, and just prior to the petitioner's retirement on 31.07.2017. It was submitted that such belated initiation of proceedings has caused serious prejudice to the petitioner.

6. It was further contended that the primary responsibility of collecting and verifying land particulars rested with the subordinate officers, namely the Assistant Agricultural Officer and the Horticulture Officer, and that the saplings were supplied only based on their recommendations. Even according to the Enquiry Officer's report, out of 32 beneficiaries, 27 were found eligible and only five were found ineligible, constituting a ratio of 84:16. Therefore, it was argued that no deliberate misconduct or *mala fide* intention can be attributed to the petitioner. It was also pointed out that no disciplinary action was initiated against the subordinate officers responsible for verification of records, and that selective initiation of proceedings against the petitioner alone is arbitrary and discriminatory.



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7. The learned Senior Counsel further submitted that the Disciplinary Authority failed to independently consider the petitioner's further explanation before accepting the findings of the Enquiry Officer. The impugned order merely reproduces the charges, defence statement, and findings, without assigning independent reasons for rejecting the petitioner's explanation. Such non application of mind, it was contended, amounts to violation of the principles of natural justice.

8. In response, the learned Additional Advocate General submitted that vigilance enquiry was conducted against the petitioner as well as one Narayanaswamy, and departmental proceedings were initiated against the said officer also, wherein the charges were held proved. It was submitted that, in the absence of perversity in the findings of the Enquiry Officer, the Disciplinary Authority was justified in accepting the report and imposing punishment.

9. This Court has carefully considered the rival submissions and perused the materials available on record.

10. The charge relates to alleged non verification of records pertaining



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to the year 2010–2011. The charge memo was issued only in January 2017, prior to the petitioner's retirement on 31.07.2017. No satisfactory explanation has been offered for such inordinate delay in initiating the proceedings.

11. The Enquiry Officer's report itself records that during a function organized for distribution of tamarind saplings near Idaichiamman Temple, farmers were invited and their land details, survey numbers and related documents were collected. The report further indicates that verification of records was undertaken by the Horticulture Officer and staff. The mistakes in survey numbers and village names in respect of five beneficiaries were attributed primarily to the subordinate officers. Nevertheless, the petitioner was held responsible on the ground that, as Assistant Director, it was his duty to verify all records before sanctioning distribution.

12. It is also relevant to note that the petitioner had earlier challenged his suspension before this Court in W.P.No.21089 of 2017, and by order dated 01.09.2017, this Court directed the second respondent to pass final orders in the disciplinary proceedings within four weeks. However, the impugned order came to be passed only on 22.05.2018, after a delay of more



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than seven months, without any explanation for non compliance with the direction of this Court.

13. It is a settled principle that a disciplinary order must reflect independent application of mind by the Disciplinary Authority. Mere reproduction of the enquiry findings and extraction of the delinquent officer's explanation, without assigning specific reasons for accepting the findings and rejecting the defence, renders the order unsustainable. A reasoned order is an essential component of natural justice.

14. In the present case, the impugned order does not disclose independent reasoning. It fails to consider the limited extent of irregularity, the absence of any finding of *mala fide* intention or personal gain, the primary responsibility of subordinate officers in verification of records, and the unexplained delay in initiation and conclusion of proceedings. These factors cumulatively vitiate the disciplinary action.

15. In view of the above, this Court holds that the impugned order dated 22.05.2018 bearing reference No. GO(3D) No.68, Agriculture (AA8) Department, is arbitrary, discriminatory and in violation of the principles of natural justice, and therefore cannot be sustained in law.



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16. Accordingly, the Writ Petition stands allowed. The impugned order is set aside. The respondents are directed to refund the amount of Rs.2,000/- per month, totalling Rs.48,000/-, deducted from the petitioner's pension, without interest, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

25.02.2026

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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