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W.P.No.7361 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.7361 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.89, Agriculture (AA7) Department dated 11.07.2018 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 11.07.2018 bearing reference No.GO(3D) No.89, Agriculture (AA7) Department, issued by the second respondent. By the said order, the petitioner was imposed with the punishment of deduction of Rs.750/- per month from his pension for a period of one year and recovery of a sum of Rs.1,31,218/- from his Death-cum-Retirement Gratuity (DCRG) in respect of the charges held proved.

2. The petitioner, while serving as Joint Director in the Horticulture Department, was issued a charge memorandum dated 12.01.2017 alleging lapses in the distribution of inputs to farmers under the Integrated Horticulture Development Programme and the National Medicinal Crops Movement Programme in Villathikulam Block of Thoothukudi District



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during the financial year 2009–2010.

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3. The petitioner submitted his explanation denying all the charges.

Not being satisfied with the same, departmental proceedings were initiated.

An enquiry was conducted, during which the Enquiry Officer recorded the defence statement of the petitioner and the statements of beneficiaries under the Scheme. Upon appreciation of the materials on record, the Enquiry Officer held that five out of the six charges stood proved and Charge No.3 was not proved. A second show cause notice was thereafter issued to the petitioner. In response, the petitioner submitted a further explanation disputing the findings of the Enquiry Officer and contending, *inter alia*, that the enquiry report furnished to him was incomplete. Thereafter, the second respondent passed the impugned order.

4. Mr. K. Venkatramani, learned Senior Counsel appearing for the petitioner, contended that the Additional Director of Horticulture, who was appointed as the Enquiry Officer, had impermissibly delegated the task of recording statements of beneficiaries to five Deputy Directors. It was submitted that such delegation vitiates the enquiry proceedings, particularly when the statements were recorded neither in the presence of the petitioner



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nor in the presence of the Enquiry Officer. It was further contended that the enquiry report furnished to the petitioner was incomplete and that the impugned order is therefore, vitiated for violation of the principles of natural justice.

5. Per contra, Mr. P. Kumaresan, learned Additional Advocate General, submitted that the petitioner had participated in the enquiry proceedings and that the Enquiry Officer had merely sought the assistance of subordinate officers to record statements of numerous beneficiaries. Such assistance, it was contended, does not amount to an impermissible delegation of powers nor does it vitiate the enquiry. It was further submitted that no prejudice had been caused to the petitioner and that the petitioner had, in fact, consented to the imposition of punishment. It was also stated that certain pages of the enquiry report were removed by officers of the Horticulture Department and that non supply of some papers would not, by itself, cause prejudice to the petitioner.

6. In support of his submissions, reliance was placed on the decision of the Hon'ble Supreme Court in *Haryana Financial Corporation and*



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another v. Kailash Chandra Ahuja, (2008) 9 SCC 31.

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7. The submissions made by the learned counsel on either side and the materials available on record have been duly considered.

8. A perusal of the incomplete enquiry report produced in the typed set of papers reveals that five Deputy Directors were assigned the task of recording statements of beneficiaries. In their statements, the beneficiaries stated that they had not received the entire amount of Rs.5,000/- sanctioned under the Scheme. Admittedly, such statements were recorded by the Deputy Directors neither in the presence of the petitioner nor in the presence of the Enquiry Officer. Based primarily on those statements, the Enquiry Officer returned a finding that five out of six charges stood proved and the second respondent proceeded to issue a show cause notice.

9. The petitioner was due to retire on attaining the age of superannuation on 31.07.2017. However, he was placed under suspension and was not permitted to retire in view of the pending enquiry. Subsequently, by letter dated 09.06.2018, the petitioner expressed his consent for the imposition of the proposed punishment, namely deduction of Rs.750/- per month from his pension for one year and recovery of



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Rs.1,31,218/- from his DCRG. A careful reading of the said letter makes it clear that the petitioner did not admit the charges but had given such consent in view of his impending retirement and to secure his pensionary benefits. Such consent, obtained in the given circumstances, cannot be construed as an admission of guilt and appears to have been made under compelling circumstances.

10. The impugned order merely recites the charges, the findings of the Enquiry Officer and the defence of the petitioner. However, it does not disclose any independent reasoning or application of mind by the Disciplinary Authority in accepting the findings of the Enquiry Officer and rejecting the petitioner's further explanation.

11. It is a settled principle of law that a punishment in a departmental proceeding can be sustained only when the foundational requirements—namely, a valid charge memorandum, strict adherence to the principles of natural justice, proof of charges by legally admissible evidence, and independent application of mind by the Disciplinary Authority—are duly complied with. Any infraction of these essential requirements vitiates the disciplinary proceedings and renders the order of punishment liable to be set



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aside. In the present case, the impugned order does not satisfy these essential legal requirements and is therefore unsustainable.

12. It is admitted that an incomplete enquiry report was furnished to the petitioner on the ground that certain pages had been removed by subordinate officers of the Horticulture Department. However, there is no material on record to attribute such removal to the petitioner. Furnishing an incomplete report deprives the delinquent of an effective opportunity to submit his representation against the findings.

13. In *Haryana Financial Corporation (supra)*, the Hon'ble Supreme Court held, with reference to an earlier decision in *Kailash Chander Asthana v. State of U.P.*, that non-supply of the enquiry report would not *ipso facto* vitiate the order of punishment unless prejudice is demonstrated.

14. In the present case, prejudice to the petitioner is evident. The enquiry report furnished to him was incomplete and the impugned order has been passed on the basis of such incomplete report. Further, the recording of statements of beneficiaries through five Deputy Directors, who were admittedly subordinate officers and against whom the petitioner had earlier conducted enquiries casts serious doubt on the fairness of the proceedings.



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Such delegation, in the facts of the present case, amounts to a procedural irregularity that has materially affected the enquiry.

15. In view of the foregoing discussion, this Court is of the considered opinion that the enquiry proceedings stand vitiated for violation of the principles of natural justice. The findings of the Enquiry Officer, as accepted by the Disciplinary Authority, suffer from arbitrariness and lack of independent application of mind. Consequently, the impugned order of punishment is legally unsustainable.

16. Accordingly, the Writ Petition is allowed. The impugned order dated 11.07.2018 bearing reference No.GO(3D) No.89, Agriculture (AA7) Department, issued by the second respondent, is set aside. The respondents are directed to refund to the petitioner the amount deducted from his pension and DCRG pursuant to the impugned order, within a period of three months from the date of receipt of a copy of this order. No interest shall be payable on the said amount. There shall be no order as to costs.

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Speaking / Non-speaking

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To

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HEMANT CHANDANGOUDAR, J.,

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