



W.A.(MD)No.332 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.01.2026

Delivered on : 30.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.332 of 2021
and
CMP(MD)No.1133 of 2021

1.The Principal Chief Conservator of Forests,
Forest Department,
Panagal Buildings,
Saidapet,
Chennai – 15.

2.The Regional Conservator of Forest,
Dindigul.

3.The District Forest Officer,
Dindigul.

4.N.Thangarasu, IFS,
District Forest Officer,
Dindigul.

: Appellants/Respondents

Vs.

1.M.Murugesan

: 1st Respondent/Petitioner

2.The Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
Chennai.

: 2nd Respondent/5th Respondent



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PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 29.01.2020 passed in W.P.(MD) No.6333 of 2012.

For Appellants : Mr.S.Saji Bino
Spl. Govt. Pleader

For Respondents : Mr.A.Thirumurthy for R1
Mr.P.Gunasekaan for R2

JUDGMENT

R.KALAIMATHI, J

This Writ Appeal is directed against the Order dated 29.01.2020 passed in W.P(MD)No.6333 of 2012.

2. Parties are indicated herein as per their litigative status and ranking before the Writ Court.

3. The delinquent had filed the writ petition in W.P(MD)No.6333 of 2012 to call for the records relating to the proceedings in Na.Ka.7245/2005/P2 dated 24.04.2009 of the third respondent, the Order passed by the 2nd respondent in Reference No.6113/09/P2 dated 12.01.2010 and the consequential Order passed by the 1st respondent, confirming the Order passed by the 2nd respondent in his proceedings Se.Mu.Aa.No. T2/12392/2011 dated 11.05.2011 and quash the same and to direct the respondents to allow the petitioner to retire from service with effect from 30.11.2008 with all consequential service and monetary benefits.



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4. The sum and substance of the petitioner's case is that during 2005, while the petitioner was working as Forest Guard at Sirumalai Check Post, Dindigul, a Charge Memo containing two counts under Section 17(b) of the of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was issued by the District Forest Officer based on the Report of the Vigilance and Anti-Corruption. The charge details are given under :

“குற்றச்சாட்டு எண்.1

TN 57 L 4599 என்று பதிவு எண் கொண்ட லாரி மூலம் 66 சில்வர் ஓக் மரங்கள் ஏற்றசி செல்ல வழங்கிய படிவம்-III எண். 546212-ஐ 29.08.2005ந் தேதி பயன்படுத்தியதை வைத்து TN 57 F 4599 என்ற லாரிக்கு பயன்படுத்தி 179 சில்வர் ஓக் மரத்தடிகளை 30.08.2009ம் தேதி ஏற்றி வந்ததை உரியவாறு தணிக்கை செய்து நடவடிக்கை எடுக்காமலும், சோதனைச் சாவடி பதிவேட்டில் பதிவு செய்யாமலும், சோதனை சாவடியை கடக்க அனுமதித்ததன்மூலம் திருட்டுவெட்டு கடத்தலுக்கு வனக்காப்பாளர் உடந்தையாக உள்ளார்.

குற்றச்சாட்டு-2

TN 57 L 4599 என்ற எண் உள்ள லாரியில் படிவம்-III 981969ன் மூலம் 94 சில்வர் ஓக் மரங்கள் ஏற்றிச் செல்ல அனுமதிக்கப்பட்டுள்ளது. ஆனால் மேற்படி வாகனத்தில் 114 சில்வர் ஓக் தடிகள் இருந்துள்ளதை கண்டறிந்து நடவடிக்கை எடுக்காமல் சோதனைச் சாவடியை கடக் அனுமதித்ததன் மூலம் வனக்காப்பாளர் அவரது கடமையைச் செய்யாது கடமை புறக்கணிப்பு செய்துள்ளார்.□



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5. Enquiry Officer submitted proven report to the Appointing Authority on 03.01.2009. After receipt of the enquiry report, the delinquent has given his explanation.

6. The Enquiry Report states that the delinquent failed to enter the number of wooden logs in the check post register and also failed to verify the log sheet permit. Further, he permitted the lorry to pass through the check post, thereby failing to perform his duties as a Forest Watcher. He thus has supported the illegal transportation of wooden logs. Though the Vigilance Report reads that on 30.08.2005, 179 wooden logs were found in TN-57-F-4599 lorry, in the Form III, which is supposed to have been issued by the delinquent, mentioned as 94 silver oak wooden logs. The above said details were found out by the Vigilance and Anti-Corruption Wing, Dindigul-Natham Road, Sirumalai Diversion Road on 30.08.2005 at about 06.00 a.m. The lorry bearing No.TN-57-F-4599 along with 179 silver oak wooden logs were seized and handed over to the Forest Range Officer, Dindigul and the Charge Sheet No.3 of 2005/06 was registered against the driver of the lorry. The seized vehicle along with wooden logs were sent to the Judicial Magistrate Court No. 1, Dindigul.



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7. It is also relevant to note that the driver of the lorry has pleaded guilty before the Judicial Magistrate Court by stating that he only corrected the number of wooden logs in Form III and he was punished by imposing fine of Rs.200/-.

8. As stated by the driver of the lorry, even if it is admitted that he had effected corrections in Form III, the fact remains that when the said lorry bearing registration No. TN-57-F-4599 reached the check post on 30.08.2005 and in Form II the registration number is mentioned as TN-57-L-4599. In Form III, as well as in the Check Post Register, the delinquent failed to enter the registration number of lorry and wooden log details. He also failed to verify Form II and allowed the lorry to pass through the check post, thereby omitted to discharge his lawful duty and thereby supported the illegal act of transporting wooden logs.

9. On the crucial date, he was posted at the check post and in consideration of the nature of the charges, he was compulsorily retired as per F.R.561C and the following punishment was imposed by the Appointing Authority.

(i) compulsory retirement:

(ii) reduction of pension by 10%:



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(iii) reduction of gratuity by 25%.

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10. In the appeal preferred by the delinquent, the Appellate Authority confirmed the punishment of compulsory retirement and set aside the other two punishments. The review petition filed before the Principal Chief Conservator of Forests was dismissed.

11. The Writ Court interfered with the order of punishment mainly on the ground of disparity, by observing that other persons involved were awarded lesser punishment, and accordingly set aside the order of compulsory retirement.

12. On a careful consideration of the materials on record, it is evident that the delinquent was the only staff posted at the check post on the crucial date. He failed to verify the permit, failed to record the details in the Check Post Register, and allowed the lorry with excess wooden logs and permitted to pass through. These lapses directly facilitated illegal transportation of forest produce. The observation of the Authority to the effect that the delinquent's omission to discharge his statutory duties strikes at the root of forest protection and amounts to grave misconduct cannot be found fault with. Though the driver of the lorry pleaded guilty before the Judicial Magistrate and paid fine, the departmental proceedings against the delinquent stand on a different footing. The standard of proof and the scope of



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departmental action are distinct from criminal prosecution.

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13. The object of keeping check post in Forest is to protect the trees in the forest and prevent the illegal cutting of trees. Trees give oxygen, provide food and shelter to animals, prevent soil erosion, help and control climate and rainfall, and supply, fruits, medicines etc.

14. Considering the nature of duties entrusted to the delinquent and the seriousness of the charges, the punishment imposed cannot be said to be disproportionate. Since the delinquent was placed under suspension on 26.11.2008 and was not permitted to retire on 30.11.2008, the imposition of minor punishment would not serve the ends of justice. The Writ Court erred in interfering with the punishment solely on the ground of parity, without appreciating the delinquent's duties and responsibilities.

15. In our considered view, the delinquent failed to discharge his lawful duties and thereby supported illegal transportation of forest produce and in the given circumstances, the order of the Appellate Authority does not suffer from any illegality or perversity.

16. Accordingly, the writ appeal is allowed. The Order dated



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29.01.2020 passed in W.P.(MD) No.6333 of 2012 is set aside, and the order of the second respondent/Regional Conservator of Forests, Dindigul, confirming the punishment of compulsory retirement is restored. No costs. Connected miscellaneous petition stands closed.

[G.R.S.,J] (R.K.M.,J]
30.01.2026

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The The Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
Chennai.



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