

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.23104 of 2015
and M.P.Nos.1 and 2 of 2015

E.D.Prabhu

... Petitioner

Vs.

1. The Conservator of Forests cum
Field Director, Sathyamangalam
Tiger Sanctuary,
Erode Circle, Erode,

2. The District Forest Officer,
Erode Forest Division,
Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in proceedings Order No.P2/7445/13 dated 31.10.2014 and quash the same and to consequently direct the respondents herein to reinstate the petitioner in service and grant him all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents: Mr.N.Inbanathan, Govt. Advocate
(Forest)

ORDER

The petitioner was forest guard and belongs to the Last Grade Service. He remained absent for duty for two months, which led to the disciplinary proceeding and ultimately he was removed from service by the 2nd respondent by order dated 31.10.2014. According to the petitioner, even after eight years of marriage there was no child and he was taking treatment. While so, he was transferred. Hence, he was not able to join at the transferred place. However, the disciplinary authority decided to take disciplinary action against the petitioner and ultimately removed the petitioner from service.

2. In the facts and circumstances of the case, I am of the view that the punishment of removal from service imposed against the petitioner is shockingly disproportionate. Removing an employee for absence for a short period is grossly disproportionate to the charges. However, I am not inclined to modify the punishment and I leave it to the appellate authority to pass an appropriate order as the appeal dated 25.2.2015 was preferred by the petitioner to the 1st respondent and the same is pending.

3. Accordingly, the writ petition is disposed of directing the 1st respondent to dispose of the appeal dated 25.2.2015 preferred against the order of removal of petitioner from service dated 31.10.2014, in the light of the observation made above within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Conservator of Forests cum
Field Director, Sathyamangalam Tiger Sanctuary,
Erode Circle, Erode,
2. The District Forest Officer,
Erode Forest Division,
Erode.

+1cc to Mr.M. Rani, Advocate, S.R.No.39287

+1cc to the Government Pleader, S.R.No.39631

KSJ(CO)
EU(12/08/2015)

W.P.No.23104 of 2015

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