

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.33849/2015 & MP.No.1/2015

T.Sivasankaran

..Petitioner

Versus

The District Forest Officer
Villupuram Forest Division,
Villupuram.

..Respondent

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of certiorari calling for the records pertaining to the order of the respondent passed in his proceedings dated 17.10.2014 in C.No.4415/2014 D1 to 4424/2014 D1 ; dated 21.10.2014 in C.No.4438/2014 D1 to C.No.4445/2014 d1 to C.No.4448/2014 D1; C.No.4451/2014 D1, C.No.4766/2014 D1 to C.No.4768/2014 D1 and dated 27.10.2014 in C.No.4431/2014 D1 to 4433/2014 D1, C.No.4449/2014 D1 and C.N.4450/2014 D1, C.No.4770/2014 D1 to C.No.4773/2014 D1, C.No.4775/2014 D1 to C.No.4778/2014 D1, C.No.4780/2014 D1 and C.No.5891/2014 D1 and quash the said orders dated 17.10.2014, 21.10.2014 and 27.10.2014.

For Petitioner: Mr.P.Anbarasan

For Respondent : Mr.M.K.Subramaniam,Spl.GP [Forests]

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he was working as a Forest Ranger in Tindivanam Division and during the year 2013-2014, he was executing various contract works under the schemes. It is the stand of the petitioner that as per the procedure

established under the Forest Rules, the petitioner has to submit a Fund Application and Estimate as per the Model Estimate approved by the Principal Chief Conservator of Forests to the respondent herein, who after verification, has to approve the same and also issue sanction for each and every work and the petitioner after carrying out the works, also submitted the completion certificates and the respondent also used to inspect the work every now and then and also got satisfied with the work. However, to the shock and surprise of the petitioner, at the verge of his retirement, the respondent has issued 36 orders of recovery without putting the petitioner on notice and hence, challenging the legality of the said orders of recovery, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that before issuing the impugned orders of recovery, admittedly the petitioner has not been afforded with any opportunity whatsoever and hence, on the sole ground, the orders are liable to be quashed.

4 Per contra, Mr.M.K.Subramaniam, learned Special Government Pleader, who accepts notice on behalf of the respondent seeks time to file counter.

5 A perusal of the impugned order would disclose that before ordering recovery, the petitioner was not issued with any show cause notice. It is pertinent to point out at this juncture that the orders of recovery, visits the petitioner with grave civil consequences and therefore, he should have been put on notice before calling upon him to remit the amounts indicated in the said notices.

6 In the light of the above facts and circumstances, this Court is of the view that the impugned orders of recovery have to be treated as show cause notices and the petitioner is at liberty to submit his explanation to the respondent, who, on receipt of the same, shall consider the said explanation on merits and in accordance with law and pass orders within the stipulated time.

7 In the result, the writ petition is disposed of and the impugned orders of recovery dated 17.10.2014, 21.10.2014 and 27.10.2014 respectively, have to be treated as show cause notices and the petitioner is at liberty to submit his explanation to the said notices within a period of four weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the said explanation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and

communicate the decision taken, to the petitioner. No costs.
Consequently, the connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR(CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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AP

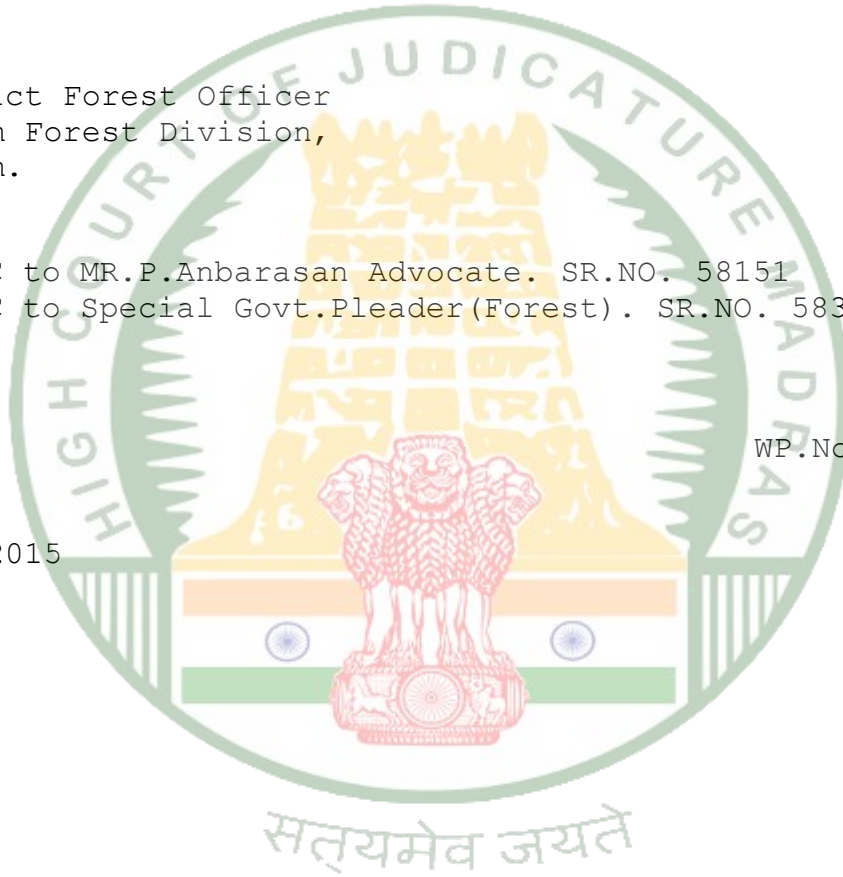
To

The District Forest Officer
Villupuram Forest Division,
Villupuram.

+1 CC to MR.P.Anbarasan Advocate. SR.NO. 58151
+1 CC to Special Govt.Pleader(Forest). SR.NO. 58307

WP.No.33849/2015

CO-PPA
JD 18/11/2015



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