



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 4990 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

E. Ramakrishnan

... Petitioner

Vs.

1. The State of Tamil Nadu represented by,
The Principal Secretary,
Department of Environment & Forest (FR I),
St. George Fort, Chennai.

2. The Principal Chief Conservator of Forest,
Head of the Forest Force,
Panagal Maligai,
Saidapet, Chennai - 15.

3. The Additional Principal Chief Conservator of Forest,
Forestry Extension Southern Region,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to his order in G.O. (2D) No. 30 Environment and Forests (FR I) Department, dated 28.03.2015 and quash the same as illegal and arbitrary and further direct the 1st respondent to permit the petitioner to retire from his service on superannuation on 31.03.2015 consequently, directing the 2nd respondent to pass appropriate order disbursing the petitioner's entire retirement monetary benefits within a stipulated period fixed by this Court.

For Petitioner : Mr. W. Peter Ramesh Kumar

For Respondents : Mr. S. Kumar, AGP

O R D E R

The petitioner has come forward with the aforesaid Writ petition to quash the order of the 1st respondent in G.O. (2D) No. 30 Environment and Forests (FR I) Department, dated 28.03.2015 and further, direct the 1st respondent to permit the petitioner to retire from service on attaining superannuation on 31.03.2015 and also consequently, direct the 2nd respondent to pass appropriate order for disbursing the petitioner's entire retirement monetary benefits within a stipulated period.

<https://hcservices.courts.gov.in/hcservices/> to Mr. Peter Ramesh Kumar, learned counsel for the petitioner, the petitioner retired on 31.03.2015, however, he has been placed under suspension on 28.03.2015. He has submitted that

even though there was a reference with regard to pendency of some criminal case against the petitioner, the details of the same has not been furnished to the petitioner. He further submitted that the suspension order was served on to the petitioner in a holiday and the petitioner was not allowed to retire from service on 31.02.2015.

3.Per contra, Mr.S.Kumar, learned Additional Government Pleader appearing for the respondents would submit that the Government has not permitted the petitioner to retire from service on 31.03.2015 based on G.O.(2D) No.30 Environment and Forests (FR I) Department, dated 28.03.2015, as criminal investigation against him is pending and the order has been served on the petitioner on 31.03.2015.

4.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents.

5.Since criminal investigation is pending against the petitioner based on some allegations, this Court is not inclined to go into veracity of the averments of both the parties. Therefore, while declining the relief sought for by the petitioner, it is observed that placing an employee under suspension for a longer period cannot be permissible in law and the Government shall act as expeditiously as possible in this matter and try to complete the proceedings, as prolonged suspension is not going to help any one much less the Government.

6.However, it is needless to state that if the respondents want to proceed against the petitioner departmentally, they shall, at the first instant, initiate enquiry and complete the same on day to day basis, in accordance with law within a period of 3 months from the date of receipt of a copy of this order. If the petitioner is responsible for prolonging the enquiry, the time limit granted supra will not be applicable.

The Writ petition is dismissed. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Secretary to the Government of Tamil Nadu,
Department of Environment & Forest (FR I),
St.George Fort, Chennai.

2.The Principal Chief Conservator of Forest,
Head of the Forest Force, Panagal Maligai,
Saidapet, Chennai - 15.

3.The Additional Principal Chief Conservator of Forest,
Forestry Extension Southern Region, Madurai.

+One cc to Mr.W.Peter Ramesh Kumar, Advocate, SR.No.20086

<https://hcc.mca.courts.gov.in/CaseDetails.aspx?CaseNo=2015MD4990> One cc to The Special Government Pleader, SR.No.20373

nbj

RL/6 c- 14/5/2015

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