

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32654 of 2012

and

M.P.No. 2 of 2012

A.Mani .. Petitioner

Versus

1.The Principal Chief Conservator of Forests
Panagal Maligai,
Saidapet, Chennai-15.

2.The Conservator of Forests,
Villupuram Circle,
Villupuram.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the second respondent in charge memo No.01/2012, Lr.Memo No.9225/2011 pal dated 20.07.2012 and quash the same and direct the respondents to disburse all retirement benefits w.e.f.01.08.2012 with interest.

For Petitioner : Mr.C.K.Chandrasekaran

For Respondents : Mr.N.Inbanathan
Standing Counsel

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the second respondent in charge memo No.01/2012, Lr.Memo No.9225/2011 pal dated 20.07.2012 and quash the same and direct the respondents to disburse of all the retirement benefits w.e.f.01.08.2012 with interest.

2.The petitioner herein was issued with a charge memo dated 20.07.2012 by the second respondent, when he was working as an 'Assistant' to the second respondent. The charges was that the petitioner had not entered the receipt of a file bearing No.21231/2001 PO2 in a Personal Register and had also not kept it in the Section. Pursuant to the charge, the petitioner reached the age of Superannuation on 31.07.2012 and by an order of the first respondent dated 30.07.2012, the petitioner was allowed to retire from service without prejudice to the charge sheet by the second respondent.

3.Heard Mr.C.K.Chandrasekaran, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned standing counsel appearing on behalf of the respondents.

4.The short point for consideration in the present Writ Petition is that, whether the respondents can be permitted to proceed against the petitioner under the Tamil Nadu Pension Rules in absence of any financial irregularities or loss to the Government, which is conspicuously absent in the charges.

5.A plain reading of the charge memo would go to show that there is no financial loss or tampering of records. Therefore, at no stretch of imagination, the respondent can proceed with the above disciplinary proceedings under Rule 9 of the Tamil Nadu Pension Rules. Further more, the alleged incident for which the petitioner was charge sheeted occurred between the year 2006 to 2008. However, the respondent had chosen to initiate action after six years and that too before 10 days prior to previous day of superannuation. In the absence of any financial loss to the Government, the charge memo is liable to be quashed. The charge memo is also liable to be quashed on the ground of delay in initiation of the disciplinary proceedings.

6.Under such circumstances, the charge memo dated 20.07.2012, passed by the second respondent is quashed. The Writ Petition is allowed and consequently, the respondents are directed to disburse all the retirement benefits to the petitioner along with interest at the rate of 6% p.a. within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Principal Chief Conservator of Forests
Panagal Maligai,
Saidapet, Chennai-15.

2.The Conservator of Forests,
Villupuram Circle,
Villupuram.

+1cc to Mr.C.K.Chandrasekar, Advocate SR.No.65948

+1cc to Special Government Pleader SR.No.65891

W.P.No.32654 of 2012
and
M.P.No.1 and 2 of 2012

SDR 28.12.2016



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