

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.23600 of 2012
& M.P.No.1 of 2012

G.Sivakumar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by Secretary to Government,
Forest Department,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai - 600 006.

3.The District Forest Officer,
Salem Division, Salem - 7.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the third respondent in Proceeding No.8/2001 No.1 dated 17.07.2001 quash the same.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.N.Inbanathan
Government Advocate [Forest]

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the third respondent in Proceeding No.8/2001 No.1 dated 17.07.2001 and quash the same.

2.The petitioner is working as Forest Range Officer at Perambalur, Forest Division, Trichy Circle. While he was working at Coimbatore, he was issued with a Charge memo dated 17.07.2001 wherein two charges were framed against him. He submitted his reply and an enquiry was conducted and on 20.09.2002, the Enquiry Officer submitted his report stating that the petitioner was not found guilty of the charges. Thereafter, the petitioner sent many representations to the respondents to close the file in view of the report of the

Enquiry Officer but till date no orders have been passed. According to the petitioner, the competent authority to initiate disciplinary proceedings against the petitioner is the Conservator of Forests but the third respondent has no power or jurisdiction to initiate any disciplinary proceedings or to appoint enquiry officer. However, there is a long delay in framing the charges and the pendency of the charge memo is used as a ground to deny petitioner's promotion as Assistant Conservator of Forests. The petitioner has got no other alternative except to approach this Court to quash the impugned charge memo dated 17.07.2001 and hence, the Writ Petition has been filed.

3.The learned counsel for the petitioner would submit that even the Enquiry Officer has given a report in the year 2002 stating that the petitioner was not found guilty of the charges and inspite of many representations by the petitioner to the respondents to finalise the proceedings but till date they have not been finalised and therefore, his future promotion is pending.

4.Mr.N.Inbanathan, the learned Government Advocate [Forest] would submit that the petitioner is not cooperating and has got no serious objection for directing the third respondent, who is the competent authority to consider the case of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Heard both sides.

6.It is admitted by both parties that the petitioner is not in service. As rightly contended by the learned counsel for the petitioner that even though the Enquiry Officer has given a report in the year 2002 wherein the petitioner found not guilty and no order has been passed till date which definitely violate his right. But subsequent event also the petitioner has made a representation dated 25.05.2012 to the second respondent but till date no order has been passed. The question of petitioner's cooperation does not arise and the authority has to finalise the entire proceedings in so far as the petitioner's future promotion is concerned.

7.This Court, taking into consideration the above facts and circumstances, directs the third respondent, to finalise the impugned proceedings dated 17.07.2001 in so far as the petitioner's future promotion is concerned and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

8.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1.The State of Tamil Nadu,
Rep.by Secretary to Government,
Forest Department,
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 - 2.The Principal Chief Conservator of Forests,
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Saidapet, Chennai - 600 006.
 - 3.The District Forest Officer,
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- +1 cc to Spl.Govt.Pleader,SR.34103.

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