

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.28342 of 2013
& M.P.No.1 of 2013

M.Nagarajan

.. Petitioner

Vs.

1.The Principal Chief
Conservator of Forests
and Head of Forest Force,
Panagal Buildings, Saidapet,
Chennai-600 015.

2.The Divisional Forest Officer,
Social Forestry Division,
Vellore.

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records on the file of the first Respondent herein in proceedings No.B1/37688/2013 dated 24.09.2013 and proceedings No. B1/37688/2013 dated 28.09.2013 and quash the same and to consequently, direct the Respondents herein to permit the petitioner to retire from service as Forest Range Officer on 30.09.2013 A.N. and to grant him all consequential benefits with 18% interest on the delayed payment.

For Petitioner .. Mr.M.Ravi

For Respondents .. Mr.N.Inbanathan,
Government Advocate (F)

ORDER

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

2. The petitioner has come forward to challenge the order impugned, by which, he was suspended and not permitted to retire from service on the date of his superannuation.

3. The learned counsel appearing for the petitioner submitted that the first respondent, who passed the impugned orders, has initiated disciplinary proceedings. The second respondent has earlier initiated disciplinary proceedings, in which, the petitioner was exonerated of the charges. Thereafter, pending criminal case, he was suspended once again. The said criminal proceeding got terminated in pursuant to the order passed by this Court in Crl.O.P.No.353 of 2012 dated 03.09.2014. Thus, the orders impugned cannot be sustained in the eye of law.

4. The learned Government Advocate (Forests) appearing for the respondents submitted that it is not known as to whether a further challenge has been made before the Apex Court. He also relied upon a communication sent by the second respondent to the Special Government Pleader dated 15.04.2016, which states that the instructions were sought for in this regard. However, no instructions are forthcoming.

5. As rightly submitted by the learned counsel appearing for the petitioner, as on today, there is no criminal proceedings pending against the petitioner. Even according to the respondents, there is no information available about the possibility of filing an appeal to the Apex Court. The Order was passed in Crl.O.P.No.353 of 2012 way back in the year 2014 i.e., on 03.09.2014 and nearly 1 1/2 years has elapsed. In such view of the matter, this Court is inclined to quash the impugned orders passed by the first respondent and the same are quashed.

6. Accordingly, the writ petition stands allowed. Consequently, the respondents are directed to pay the retiral benefits to the petitioner as per law. As the writ petitioner has reached the age of superannuation, appropriate orders will have to be passed by the respondents within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that in the event of any stay having been obtained against the order passed in Crl.O.P.No.353 of 2012, this order need not be complied with. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

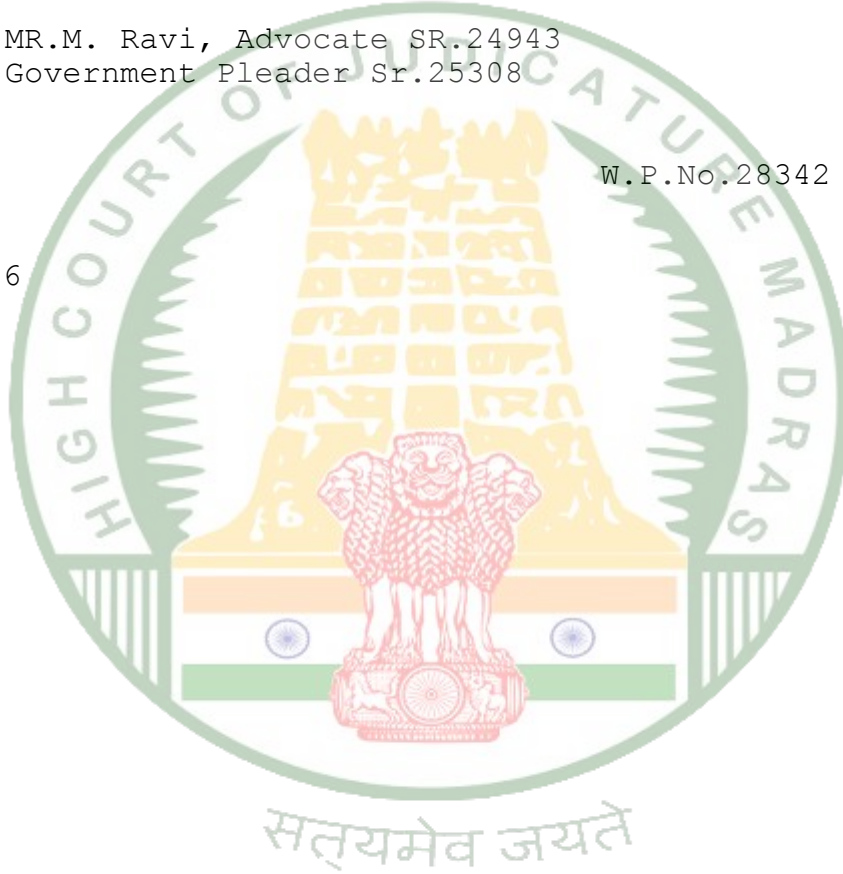
1.The Principal Chief Conservator of Forests
and Head of Forest Force,
Panagal Buildings, Saidapet,
Chennai-600 015.

2.The Divisional Forest Officer,
Social Forestry Division,
Vellore.

+ 1 cc to MR.M. Ravi, Advocate SR.24943
+ 1 cc to Government Pleader Sr.25308

W.P.No.28342 of 2013

LRS (CO)
Eu 11.05.16



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