



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.(MD)No.7181 of 2011

and

M.P.(MD).No.2 of 2011

R.Anantha Raja

: Petitioner

Vs.

1.The Tamil Nadu Forest Plantation Corporation Ltd.,
Rep by its Managing Director,
Tiruchirappalli.

2.The General Manager,
The Tamil Nadu Forest Plantation Corporation Ltd.,
Tiruchirappalli.

3.The Regional Manager,
The Tamil Nadu Forest Plantation Corporation Limited,
2/81, Hospital Road, Tirukoviloor.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records, relating to the impugned orders of the second respondent in Ref.Se.Mu.Order No.4440/2004/Pa.2, dated 19.05.2004, confirmed by the first respondent in Se.Mu.Order.No.10051/04/Pa.2, dated 20.01.2011 and quash the same and refund the amounts already deducted by the second respondent from the salary of the petitioner.

For Petitioner

: Mr.P.Thirumahilmaran

For Respondents

: Mr.Aayiram K.Selvakumar
Government Advocate

O R D E R

The Writ Petition is directed against the order dated 20.01.2011, on the file of the first respondent, confirming the order dated 19.05.2004, on the file of the second respondent and directing recovery of a sum of Rs.1,40,980/- from the salary of the petitioner in 71 equal monthly installments.

2. The petitioner worked as a Forest Ranger in Thirukovilur Range for the period from 26.06.1996 to 30.04.1999. Subsequent to the transfer of the petitioner, a charge memo was issued to him alleging that he was responsible for the illegal felling of trees. The competent authority,



after issuing notice to the petitioner, determined the loss at Rs.1,40,980/-. The said order was challenged before the second respondent by filing an appeal, which was rejected. Feeling aggrieved, the petitioner is before this Court.

3. The third respondent filed a counter affidavit, wherein it was indicated that even according to the report submitted by the petitioner, there were 8473 felled trees and about 37541 fellings in his jurisdiction. According to the third respondent, the amount of loss was apportioned among the employees, who were responsible for the illegal felling of trees. The third respondent, accordingly, justified the impugned order.

4. The learned counsel appearing for the petitioner contended that the petitioner was relieved on 30.04.1999. It was two years thereafter, charge memo was issued to him stating that he was responsible for the illegal tree felling. According to the learned counsel, as per the circular issued by the first respondent, the illegal felling should have been reported within 30 days from the date of assumption of charge by a new officer. Since such a course was not taken, the petitioner cannot be held responsible.

5. The learned Government Advocate submitted that the department proceeded against all the officers, who were responsible for the illegal felling of trees. The amount was apportioned among the employees. The respondents were justified in taking action against the petitioner on account of his inaction.

6. There is no dispute that the petitioner worked as Forest Ranger in Thirukovilur Range for the period from 26.06.1996 to 30.04.1999. The petitioner submitted a report on 12.09.2009, which contained the details of girth of 8473 felled trees and 37541 fellings. It is true that the charge memo was issued to him only after two years from the date on which the petitioner was transferred and relieved from the place. However, that would not be a mitigating circumstance. Even in the report submitted by the petitioner, on 23.07.1998, there was a reference about the girth of 8473 felled trees and 37541 fellings. The petitioner and the other employees were equally responsible for the illegal tree felling. The second respondent calculated the total amount of loss and apportioned it among the employees, who were responsible for the act in question. In a matter like this, the power of judicial review is very limited. It is not open to this Court to re-appreciate the materials and substitute its view in the place of the view taken by the competent authority. I am, therefore, of the view that there is no merit in the contention taken by the petitioner.

7. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-I)

/True Copy/



- To
1. The Managing Director,
The Tamil Nadu Forest Plantation Corporation Ltd.,
Tiruchirappalli.
 2. The General Manager,
The Tamil Nadu Forest Plantation Corporation Ltd.,
Tiruchirappalli.
 3. The Regional Manager,
The Tamil Nadu Forest Plantation Corporation Limited,
2/81, Hospital Road, Tirukoviloor.

+1CC to M/S.M.A.Abdul Wahab, Advocate, SR.No. 28213
+1CC to the Special Government Pleader, SR.No. 28295

ORDER MADE IN
W.P. (MD) No. 7181 of 2011
06.06.2016

NB
AM/SK.SKN/SAR-I/15.06.2016/3P/6C