

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.34845 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Services (Telangana) for respondents.

2. The petitioner has assailed the proceedings dt.03.10.2016 of the 1st respondent imposing a punishment of censure on the petitioner.

3. It is not in dispute that the petitioner had worked as Divisional Forest Officer, Bhadrachalam since 31.08.2013 and he also worked as Additional Charge, Bhadrachalam (South) Division from 21.03.2014 to 02.07.2014.

4. Vide proceedings dt.21.11.2014, a charge-sheet was issued to petitioner alleging that he committed gross irregularity in issue of proceedings for felling permission of patta trees to pattedars instead of taking up departmentally as envisaged in the Rules, including the non-compliance of instructions of higher authorities.

5. Petitioner submitted his statement of defence on 03.12.2014 under Rule 20 of the Andhra Pradesh Civil Services (C.C. & A) Rules, 1991. The Principal Chief Conservator of Forests appointed the Conservator of Forests, Khammam and Divisional Forest Officer, Bhadrachalam (South) as enquiry officers / presenting officers on 19.12.2014. The enquiry officer conducted enquiry and submitted

findings on 26.02.2016. The enquiry officer held that petitioner had issued felling permission to the pattedars without following the Rules noted in the Andhra Pradesh Preservation of Private Forests Rules, 1978 and circular instructions, and that the charge leveled against the petitioner is proved.

6. The findings of the enquiry officer were communicated to petitioner on 21.03.2016, and he was requested to submit a further defence statement to the said enquiry report.

7. On 12.04.2016, the petitioner furnished a further defence statement wherein he admitted that there was a procedural lapse on his part and blamed his clerk for improperly putting the file before him. He also requested for dropping of further action.

8. On the basis of this submission of the petitioner which was considered by 1st respondent, the punishment of *censure* was imposed on him on the ground that the charge was proved against him.

9. Though the petitioner has a remedy of appeal against the impugned order before the Government, he did not avail of the same and approached this Court.

10. The petitioner contended that there is a violation of principles of natural justice, and the impugned order dt.03.10.2016 does not contain any reasons for imposing the said punishment on the petitioner.

11. I am unable to agree with the said submission.

12. Since the petitioner in his further defence statement dt.12.04.2016 admitted that there was procedural lapse on his part, the petitioner cannot make any grievance of any violation of principles of natural justice.

13. I am also of the opinion that the punishment imposed on the petitioner is commensurate to the finding against the petitioner, and that it is not dis-proportionate warranting interference by this Court under Article 226 of the Constitution of India.

14. Therefore, I do not find any merit in the Writ Petition and it is accordingly dismissed. No order as to costs.

15. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-10-2016

Ndr/*