

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5885 of 2017

and

W.M.P.Nos.6307 & 6308 of 2017

G.Kandasamy,
Forest Guard,
Rep.by his wife
Mrs. Booviammal,
Mattukaranur village,
Kettupatty Post,
Nallampalli via,
Dharmapuri District.

..Petitioner

Versus

1. The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai - 15.
2. The Conservator of Forests,
Dharmapuri Forest Region,
Dharmapuri District.
3. The District Forest Officer,
Harur Forest Division,
Harur,
Dharmapuri District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the 3rd respondent vide Na.Ka.No.2087/2016/Pa.1 dated 12.05.2016 Under Rule 17 (a) of Tamil Nadu Civil Service (Discipline and Appeal) Rules and quash the same, consequently directing respondents to allow the petitioner viz., G.Kandasamy, Forest guard to retire from service and pay all service and terminal benefits.

For Petitioner :Mr.M.R.Jothimanian

For Respondents :Mr.M.Santhana Raman
Additional Government Pleader(Forests)

O R D E R

The order impugned dated 12th May 2016 is a show cause notice issued Under Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules.

2. On initiation of disciplinary proceedings for imposing minor penalties under the said rules, a show cause notice was issued by the 3rd respondent on 12th May, 2016. The learned counsel appearing for the writ petitioner submitted his explanation denying the charges. But he was continued in service till his retirement on 31st May, 2016 and he was relieved from service on that day. However, no order has been passed in the disciplinary proceedings initiated Under Rule 17(a) in the Tamil Nadu Civil Service (Discipline and Appeal) Rules. In view of the pendency of the disciplinary proceedings, the writ petitioner is unable to get his terminal and retirement benefits. However, this Court is of the view that the writ petitioner, after submitting the explanations, moved this writ petition, challenging the show cause notice.

3. Without going into the merits and demerits of the case, the respondents have to consider the explanations submitted by the writ petitioner to the show cause notice dated 12.05.2016 and decide the matter on merits and in accordance with law, by passing final orders within a period of twelve weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kak

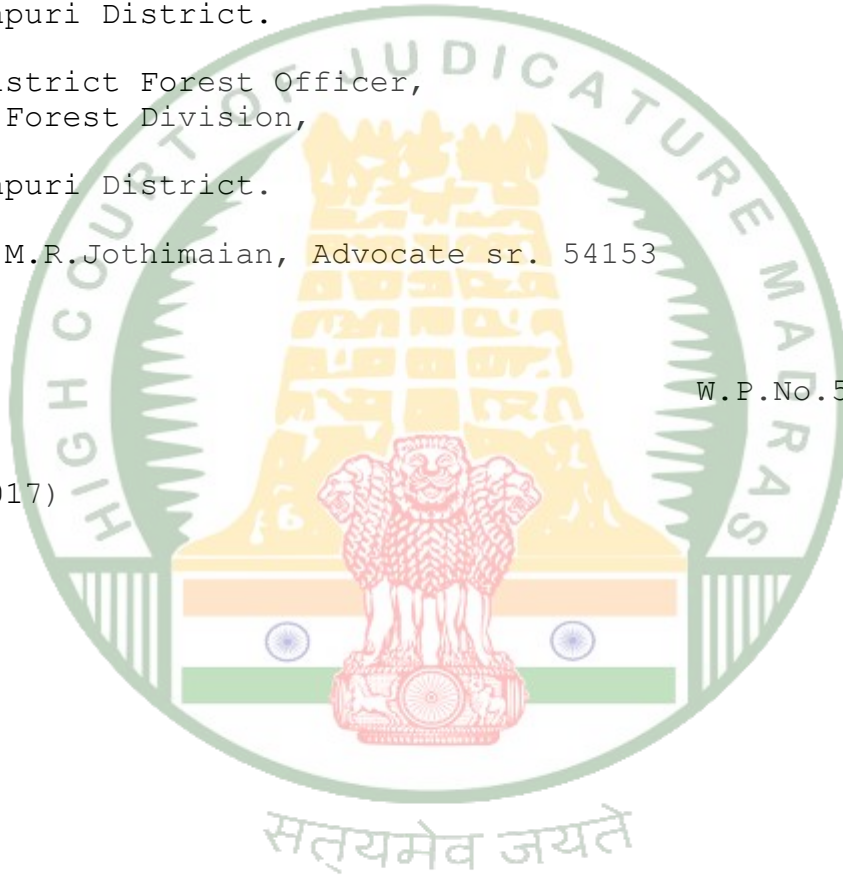
To

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3. The District Forest Officer,
Harur Forest Division,
Harur,
Dharmapuri District.

1cc to Mr.M.R.Jothimaian, Advocate sr. 54153

W.P.No.5885 of 2017

AK(CO)
VR(23/8/2017)



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