

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.4136 of 2018

R.Thannappan

... Petitioner

.. Vs ..

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Maaligai,
Saidapet, Chennai - 15.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to finalize the disciplinary proceedings initiated by the second respondent in memo No.B2/696/2009, dated 03.03.2016 by considering the Enquiry Officer's report within a limited time frame.

For Petitioner: Mr.T.Dharani

for Mr.S.Santhan

For Respondents:

Mr.R.Bala Ramesh,

Special Government Pleader

ORDER

The present writ petition has been filed praying for the issuance of a writ of mandamus directing the first respondent to finalize the disciplinary proceedings initiated by the second respondent in memo No.B2/696/2009, dated 03.03.2016 by considering the Enquiry Officer's report within a limited time frame.

2. The case of the petitioner is that he has joined the post of Forest Range Officer in Tamil Nadu Forest Department on 03.11.1982 and subsequently, promoted as Assistant Conservator of Forests under Tamil Nadu State Forest Service with effect from 05.03.2012 and further promoted as Deputy Conservator of Forests and working as District Forest Officer, Tiruvannamalai

North Division since 07.03.2014. The petitioner reached the age of superannuation on 31.01.2018. But he was not permitted to retire from service as he is facing departmental proceedings. Pending the departmental proceedings against him, the respondents also issued an order of suspension under Rule 17(E) of the Tamil Nadu Civil Service Rules.

3. Learned counsel appearing for the petitioner submitted that so far as the Charge Memo dated 03.03.2016 is concerned, the Enquiry Officer has completed the enquiry. But the report alone has not been submitted till date. Therefore, a direction be issued to pass appropriate orders on the basis of the report of the Enquiry Officer after completing the formalities namely, furnishing a copy of the report of the Enquiry Officer and calling upon the petitioner to submit his further representation.

4. Mr.R.Bala Ramesh, learned Special Government Pleader appearing for the respondents submitted that there are four departmental proceedings pending. Therefore, they were not able to pass the final order in the Charge Memo.

5. Since in the present case, the Enquiry Officer has completed the enquiry, this Court, taking into account the two vital aspects that the petitioner reached the age of superannuation and the enquiry has also been over, directs the first respondent to pass final order after fulfilling the formalities, viz., if the report of the Enquiry Officer is made ready, a copy of the same should be furnished to the petitioner calling upon him to submit further representation and on receipt of the same, the first respondent shall pass final orders within a period of three months from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Maaligai,
Saidapet, Chennai - 15.

+1cc to Special Government Pleader in sr.no.15481

W.P.No.4136 of 2018

nr 26/03/2018



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