

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No.1872 of 2013
and
M.P.No.1 of 2013

J.Raman

...Appellant/Petitioner

Vs

- 1.The State of Tamil Nadu,
rep by its Secretary,
Environment and Forests,
Fort St.George, Chennai - 5.
- 2.The State of Information Commissioner,
Anna Salai, Teynampet, Chennai.
- 3.The Principal Chief Conservator of Forests
and Head of Forest Force,
No.1, Panagal Maligai, Jennis Road,
Saidapet, Chennai.
- 4.Thippanna S.Dange,
India Forest Service
General Manager,
Tamil Nadu Tea Plantation Corporation,
Coonoor, Nilgiri District.
- 5.The Director,
Directorate of Vigilance and Anti
Corruption, NCB 21-28,
Raja Annamalaipuram,
P.S.Kumarasamy Raja Salai,
Chennai - 600 028.

...Respondents/Respondents

Writ Appeal preferred filed under clause 15 of Letter patent
against order dated 10.11.2010 passed in W.P.No.26521 of 2009.

W.P.No.26521 of 2009:-

Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents 1 to 3 to abstain from victimising and harassing the petitioner herein and further take the necessary action and implement the order of the 2nd respondent dt.26.10.2006 in Case No.2818/Enquiry/2006.

For Appellant .. Mr.P.V.Ravichandran

For Respondents .. No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal has been preferred by the appellant being aggrieved over the order of the learned single Judge by which the writ petition filed was dismissed.

2.The appellant at the time of filing the writ petition was working as Junior Draughting Officer in the office of the District Forest Office, Nilgiris North Division, Udhagamandalam. He was also facing charges. On a complaint made by the appellant, the second respondent passed an order and accordingly, a direction was issued to the third respondent to initiate appropriate action after affording him an opportunity.

3.Thereafter, enquiry was conducted by the third respondent and it was communicated by the second respondent. The third respondent has recommended that the fourth respondent has not done anything independently, violating the provisions of the Act. The appellant was not satisfied with the same. According to the appellant, for the action taken against the fourth respondent, he is being harassed by respondents 1 to 3. Under those circumstances, he has filed the writ petition with a prayer for a mandamus directing respondents 1 to 3 to abstain from victimising and harassing him while taking further action and implementing the order of the second respondent dated 26.10.2006.

4.Learned single Judge after having noted the fact that the charges have already been framed against the appellant and the third respondent has completed the process of enquiry, there is no basis for the allegations made. Not satisfied with the same, the present appeal has been filed.

5.At the time of filing the writ petition, the appellant was

51 years old. Strangely, the prayer has been sought against respondents 1 to 3 who have acted in their official capacity. In fact, the second respondent did pass the order directing the third respondent to initiate action against the second respondent, which was actually done. Any action initiated is a matter between the authority competent to do so and the delinquent officer. That cannot be a ground to absolve the appellant of the charges framed against him, which are distinct and independent. These charges do not have any connection with the fourth respondent. By this time, both the appellant and the fourth respondent have attained the age of superannuation. In any case, there cannot be any direction against the statutory authorities from discharging their official duties. The learned single Judge went into the merits of the case and decided the matter. Thus, we do not find any merit in the writ appeal and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Environment and Forests,
Fort St.George, Chennai - 5.
- 2.The State of Information Commissioner,
Anna Salai, Teynampet, Chennai.
- 3.The Principal Chief Conservator of Forests
and Head of Forest Force,
No.1, Panagal Maligai, Jennis Road, Saidapet, Chennai.
- 4.The Director,
Directorate of Vigilance and Anti Corruption, NCB 21-28,
Raja Annamalaipuram,
P.S.Kumarasamy Raja Salai, Chennai - 600 028.

+1 cc to Mr.P.V.Ravichandran, Advocate Sr.No.86090
+1 cc to The Special Government Pleader, Sr.No.86817

W.A.No.1872 of 2013

SSV(CO)
CSL/25.01.2019