

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1766 of 2017
and
C.M.P.No.22378 of 2017

L.Shanmugam

Appellant

vs.

1. The State of Tamilnadu
rep by its Principal Secretary to Government
(FR-2) Forest and Environment Department
Fort St. George Chennai-600 009
 - 2 The Principal Chief Conservator of Forests
and Head of Force
Panagal Building Saidapet
Chennai-600 015
 - 3 The Conservator of Forests
Dharmapuri Forest Circle
Dharmapuri - 636 705
 - 4 The District Forest Officer
Dharmapuri Forest Division
Dharmapuri- 636 705
 - 5 The Soil Conservation Officer
MSCS- Forest Division,
Dharmapuri- 636 705
- Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 10.7.2017 passed in W.P.No.11586 of 2017 on the file of this court. Writ petition filed under Article 226 of the constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the 4th respondent in his proceedings No. MENO No.8496/ 2011/ E1 dated 24.04.2017 and quash the same and consequently direct the 5th respondents to allow the petitioner to retire from service on 31.05.2017.

For appellant : Mr.L.Chandrakumar for
Mr.P.Rajesh

For respondents: Mr.Bala Ramesh,
Special Government Pleader (Forest)

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants and the respondent, who appeared in person.

2. The writ appeal has been filed by the appellant/writ petitioner challenging the correctness of the order passed by the learned Single Judge in dismissing the writ petition and thereby declining to interfere with the impugned charge memo.

3. In para 6 of the order, the learned Single Judge has found that mere acquittal in criminal case is not a bar for the departmental proceedings. Further, it has been observed by the learned Single Judge that high standard of proof is required to convict a person, whereas in the departmental proceedings, preponderance of probabilities is sufficient to punish the delinquent and therefore, it is for the Department to decide independently regarding the involvement of the delinquent in the misconduct. We do have any second opinion on the issue. However, we make it clear that it is for the appellant to place all the relevant materials during the enquiry and take all probable defence subject to which it may be concluded, either in accepting the defence or otherwise. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssk

To:

1. The State of Tamilnadu
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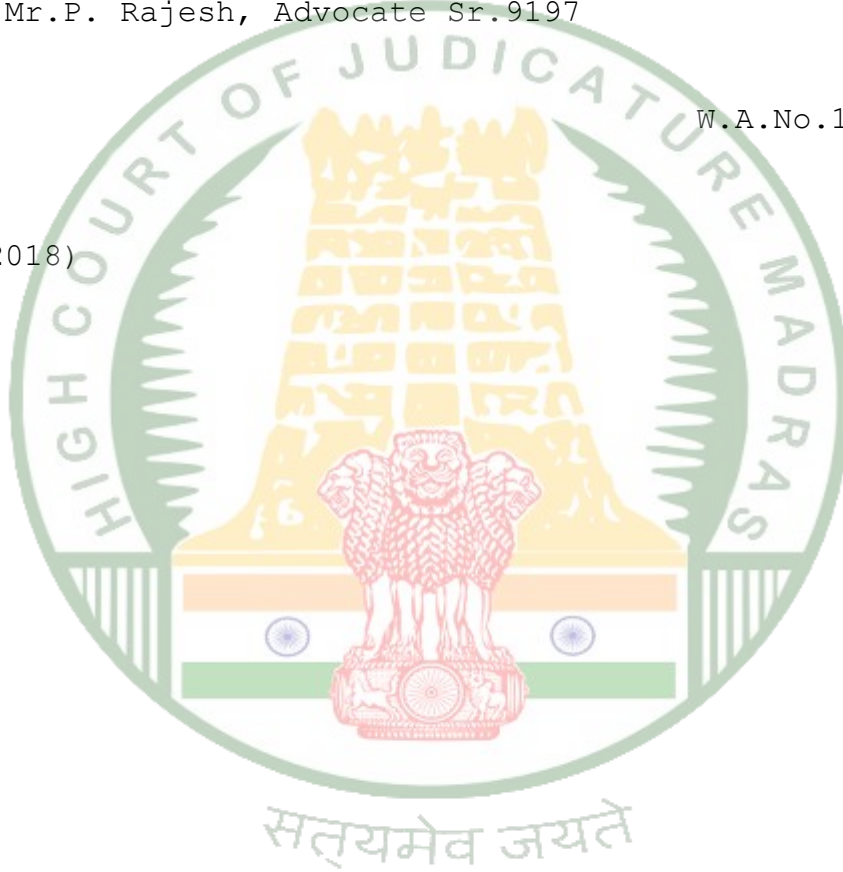
5 The Soil Conservation Officer
MSCS- Forest Division Dharmapuri- 636 705

+ 1 cc to MR. the Government Pleader Sr.9188

+ 1 cc to Mr.P. Rajesh, Advocate Sr.9197

W.A.No.1766 of 2017

SS (CO)
EU(13/03/2018)



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