

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.2472 of 2018

R.Thannappan

... Petitioner

Vs

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

2. The Conservator of Forests,
Coimbatore Zone,
Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to
to issue a Writ of Mandamus, directing the 1st respondent to finalize the
Disciplinary Proceedings initiated by the 2nd respondent in Memo
No.P2/13520/2008 dated 09.12.2015 by considering the Enquiry
Officer's Report within a limited time.

For Petitioner : Mr.S.Santhan

For Respondents : Mr.R.Bala Ramesh,
Spl. Govt. Pleader (Forest)

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to finalize the Disciplinary Proceedings initiated by the 2nd respondent in Memo No.P2/13520/2008 dated 09.12.2015 by considering the Enquiry Officer's Report within a time frame fixed by this Court.

2. Learned Counsel for the petitioner submitted that the petitioner was appointed as Forest Range Officer in the Tamil Nadu Forest Department on 03.11.1982 and subsequently, promoted as Assistant Conservator of Forests on 05.03.2012 and thereafter as Deputy Conservator of Forests and was working as District Forest Officer, Tiruvannamalai North Division since 07.03.2014. While so, the Conservator of Forests, Coimbatore issued a Charge Memo dated 09.12.2015 alleging two charges against the petitioner and the petitioner has submitted a detailed explanation for the same on 25.8.2015 denying both the charges. Finally, the Disciplinary Authority disagreeing with the explanation offered by the petitioner, appointed an Enquiry Officer on 16.6.2017 and the enquiry also has come to an end on 21.12.2017. Now, the 1st respondent has to pass final orders. In the meantime, the petitioner has retired on superannuation on 31.01.2018. But, he has been facing nightmare without receiving the pension and other retiral benefits due to non-passing of final orders in

the disciplinary proceedings. Hence the present Writ Petition.

3. Mr.R.Bala Ramesh, learned Special Government Pleader who takes notice for the respondents submitted that since the report of the Enquiry Officer has been forwarded to the Principal Chief Conservator of Forests for further action, no order could be passed. Therefore, sufficient time may be granted.

4. Heard the submissions made on either side and I have also perused the records carefully.

5. A copy of the Communication dated 05.02.2018 sent by the Principal Chief Conservator of Forests to the Additional Government Pleader shows that the final order is yet to be passed by the Government which also discloses that the report of the Enquiry Officer is made ready. Therefore, this Court taking into account the fact that the petitioner has already reached the age of superannuation on 31.1.2018, hereby directs the first respondent herein, namely, the Principal Chief Conservator of Forests, Head of Forest Force, Panagal Maaligai, Saidapet, Chennai, to pass final orders in the Disciplinary Proceedings initiated against the petitioner by the 2nd respondent dated 09.12.2015

T.RAJA, J.

tsi

by considering the Enquiry Officer's Report, within a period of three months from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

12.02.2018

Index:Yes/ No
Internet:Yes/No
Speaking /Non-speaking order
tsi

To

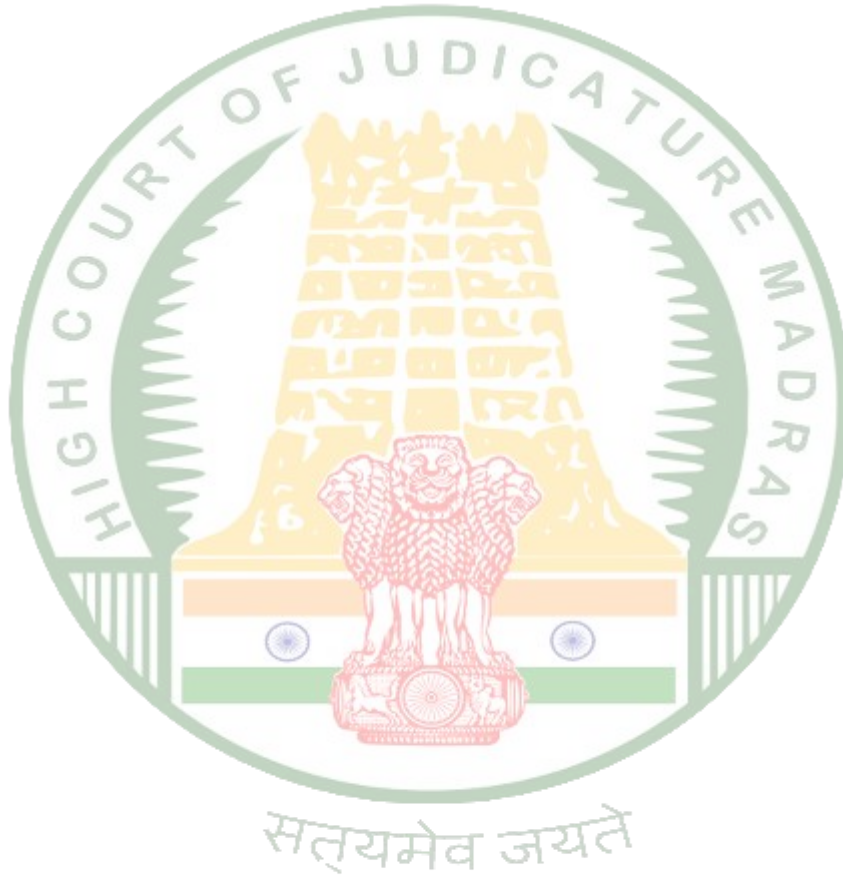
1.The Principal Chief Conservator of Forests,
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Panagal Maaligai,
Saidapet, Chennai-15.

2. The Conservator of Forests,
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Coimbatore.

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