

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22649 of 2006
and
M.P.Nos.1 to 3 of 2006

R.C.Kulothungan

... Petitioner

Vs.

1. Government of Tamil Nadu
rep by its Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Buildings, Chennai - 600 015.

... Respondents

Prayer: Writ petition Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in [1] G.O.[D].No.273, Environment and Forests [F.R.9B] Department, dated 27.07.2005 and [2] Government Lr.No.18912/FR.9B/2002-19 Environment and Forests [F.R.9B] Department, dated 27.07.2005 and quash the same and to direct the respondents herein to permit the petitioner herein to retire peacefully without any condition and with all retirement and pensionary benefits, due and payable to the petitioner on his retirement on attaining the age of superannuation on 31.08.2006 A.N. Notwithstanding and without reference the above mentioned impugned proceedings of the first respondent.

For Petitioner : Mr.N.Ravi

For Respondents : Mr.S.V.Vijay Prashanth
Additional Government Pleader (Forest)

: Mr.K.K.Ramesh
Government Advocate (Forest)

O R D E R

The petitioner has filed this writ petition seeking issuance of Certiorarified Mandamus calling for the records of the first respondent in [1] G.O.[D].No.273, Environment and Forests [F.R.9B] Department, dated 27.07.2005 and [2] Government Lr.No.18912/FR.9B/2002-19 Environment and Forests [F.R.9B] Department, dated 27.07.2005 and to quash the same and to direct the respondents herein to permit the petitioner herein to retire peacefully without any condition and with all retirement and pensionary benefits, due and payable to the petitioner on his retirement on attaining the age of superannuation on 31.08.2006 A.N, notwithstanding and without reference to the above mentioned impugned proceedings of the first respondent.

2.The brief facts of the case are as follows: The petitioner was initially appointed as Forest Watcher in the year 1973 and later promoted as Forest Guard. While, the petitioner was working as Forest Guard, the proceedings under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules, was initiated against the petitioner in respect of the allegations related to the incident that took place on 25.11.1989. After an inordinate delay of seven years, a charge memo was issued on 07.03.1996 in the proceedings of the Conservator of Forests, Salem and the disciplinary proceedings was completed after 13 years from the date of the alleged incident ie., in the year 2002. The Disciplinary authority ie., the second respondent herein dropped the charges levelled against the petitioner accepting the findings of the Enquiry Officer, in his Report dated 09.09.2002.

3. While so, the first respondent herein after a lapse of more than one year from the date of the order of the Disciplinary Authority, had invoked the revisionary powers under Rule 36 of the Tamil Nadu Civil Services [D and A] Rules, and had directed that the orders issued by the second respondent in his proceedings dated 22.07.2004 be set aside and further action be continued.

4. On 27.07.2005, Suo moto revision was issued by the first respondent under Rule 36 of the Tamil Nadu Civil Services (D and A) Rules was called for further representation. On 18.09.2005 further representation was submitted by the petitioner to the first respondent. Subsequently he retired on 31.08.2006. Challenging the Suo-moto revision, the present writ petition has been filed.

5. While pending writ petition, on 10.09.2008, the first respondent dropped the charges and passed a Government Order.

6. In view of the same, nothing survives for adjudication in this writ petition. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vv

To

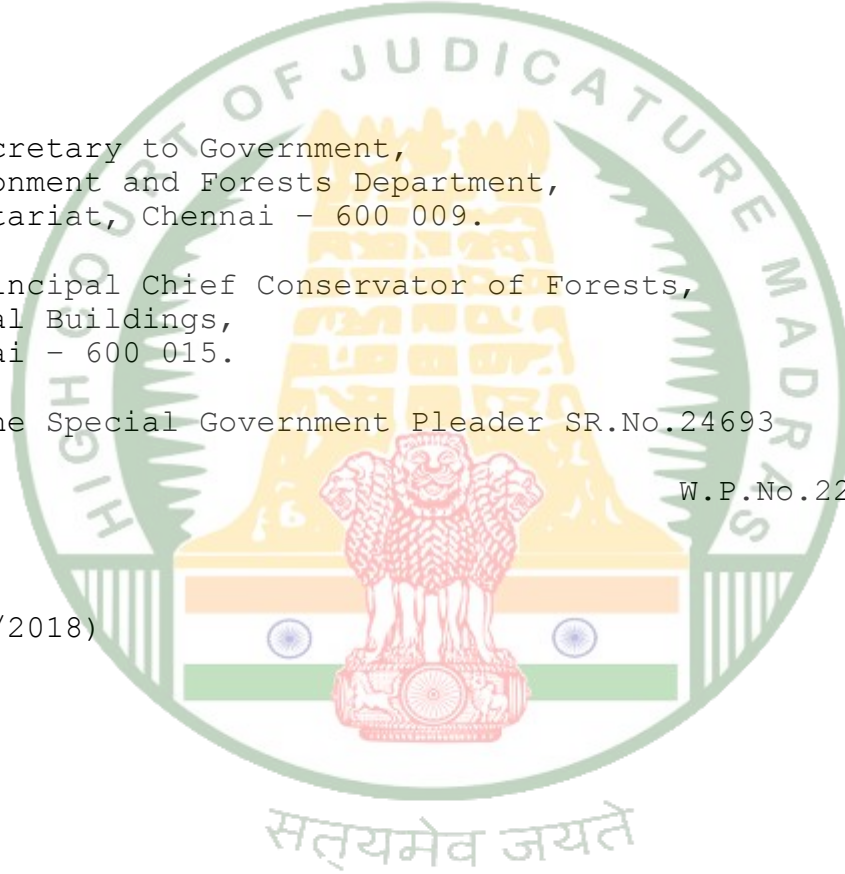
1. The Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 600 015.

+1cc to the Special Government Pleader SR.No.24693

W.P.No.22649 of 2006

BR(CO)

RRK(21/05/2018)



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