

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 04.06.2018

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.1708 of 2012

G.Murugesan

.. Petitioner

versus

1. State of Tamil Nadu,  
rep. by its Secretary to Government,  
Forest Department,  
Fort St.George,  
Chennai-600 009.

2. The Principal Chief Conservator of Forest,  
Panagaral Building,  
Saidapet, Chennai-15.

3. The Conservator of Forest,  
Dharmapuri circle,  
Dharmapuri District.

4. The Divisional District Forest Officer,  
Hosur Forest Range,  
Hosur,  
Dharmapuri District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the order passed by the second respondent in his proceedings in Se.Mu.Aanai.No.Aa.Aa.2/73553/2010 dated 13.05.2011 confirming the order in Se.Mu.Aa.No. 9486/2010/Po2 dated 28.10.2010 on the file of the third respondent confirming the order of punishment passed by the fourth respondent in his proceedings in Se.Mu.Aa.No. 7351/2009 Pa1 dated 20.06.2010 quash the same and consequently direct the respondents to consider the petitioner for promotion to the post of Forester for the year 2009 with all consequential service and monetary benefits.

For Petitioner : Mr.S.Mani

For Respondents: Mr.M.Santharaman, Spl.G.P.

## ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue Writ of Certiorarified Mandamus, to call for the entire records relating to the order passed by the second respondent in his proceedings in Se.Mu.Aanai.No.Aa.Aa.2/73553/2010 dated 13.05.2011 confirming the order in Se.Mu.Aa.No. 9486/2010/Po2 dated 28.10.2010 on the file of the third respondent confirming the order of punishment passed by the fourth respondent in his proceedings in Se.Mu.Aa.No. 7351/2009 Pa1 dated 20.06.2010 quash the same and consequently direct the respondents to consider the petitioner for promotion to the post of Forester for the year 2009 with all consequential service and monetary benefits.

2. The petitioner was a retired Defence personnel, served in the Military Force from 31.3.1981 till December, 1995. On being discharged from Defence service, the petitioner came to be re-employed as Forest Guard in the Forest Department. While working in Anchetty Forest Range, an inspection took place at about 1.30 p.m. on 16.11.2009. While the inspection was being carried out by 4th respondent/District Forest Officer, the petitioner was found not wearing his uniform. An explanation was called for from the petitioner. Later, since the explanation offered by the petitioner was not satisfactory, a charge memo dated 11.11.2009 was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thereafter, an enquiry was conducted and ultimately, the charge was held to be proved. In his explanation and during the enquiry, the petitioner had practically admitted that he was not wearing uniform at the time of inspection, however, he had come out with some kind of explanation, which was not acceptable and convincing to the authority concerned.

3. On charge being held proved, after getting his further explanation, the petitioner was imposed with punishment of stoppage of increment for six months with cumulative effect vide order dated 20.6.2010. Aggrieved by the same, an appeal was preferred by the petitioner and the same also came to be rejected on 28.10.2010. Further, a review was filed before 2nd respondent on 24.11.2010 which also came to be rejected on 13.5.2011. These orders are put to challenge in the present writ petition.

4. Upon notice, Mr.M.Santharaman, learned Special Government Pleader entered appearance for respondents and filed a detailed counter affidavit.

5. In the counter affidavit, it is stated that the charge, for having not worn uniform at the time of inspection by the petitioner, was fully established and such conduct on the part of the petitioner was against the discipline of the uniformed force. Since the charge has been practically admitted by the petitioner, he was imposed with penalty of stoppage of increment for a period of six months with cumulative effect by taking a lenient view in the matter.

6. Learned counsel appearing for the petitioner would attempt to impress upon this Court that the explanation of the petitioner for not wearing the uniform was not accepted by the authority in order to punish the petitioner. According to him, the petitioner had a valid explanation for not wearing the uniform at the time of inspection. However, from the materials placed before this Court for consideration, this Court finds that the so-called explanation offered by the petitioner was hardly convincing and valid and therefore, the same was rightly rejected by the authorities concerned. Even the punishment ultimately imposed on the petitioner was a minor penalty although the charge sheet was issued under Rule 17(b) which was major penalty proceedings. Appeal and review filed by the petitioner against the punishment, had been considered by the authorities with reference to the evidence and materials placed before them for consideration and this Court does not see any infirmity in the orders passed by the Disciplinary authority as well as appellate authority, in order to interfere with the same.

7. Accordingly, the Writ Petition fails and it is dismissed as devoid of merit and substance. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. State of Tamil Nadu,  
rep. by its Secretary to Government,  
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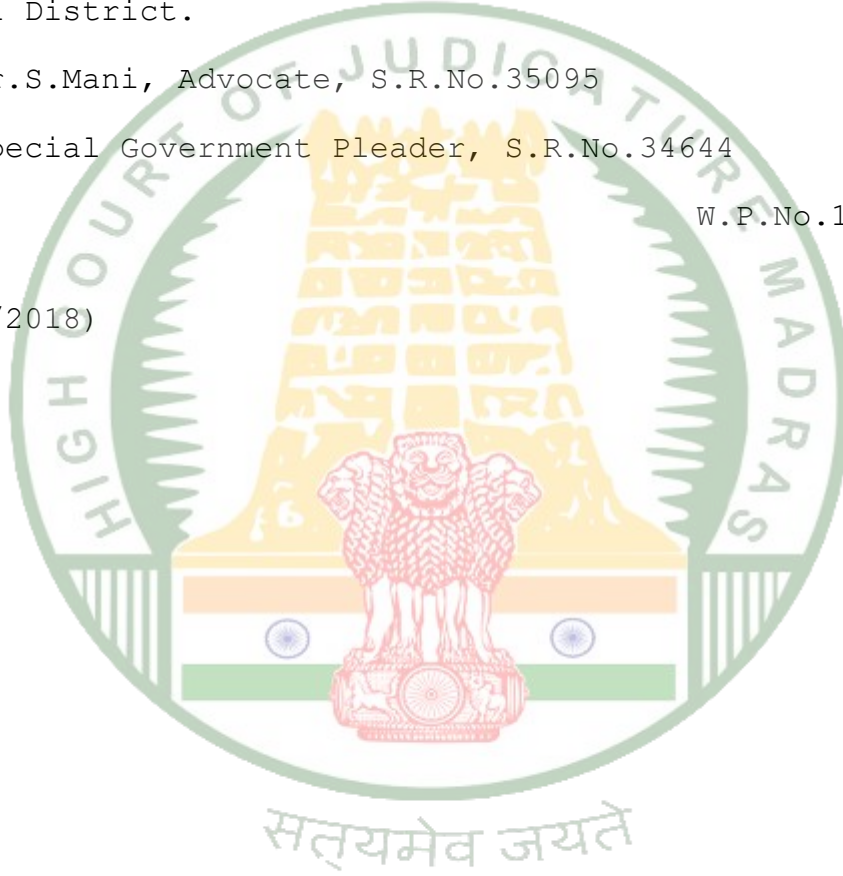
4. The Divisional District Forest Officer,  
Hosur Forest Range,  
Hosur,  
Dharmapuri District.

+1cc to Mr.S.Mani, Advocate, S.R.No.35095

+1cc to Special Government Pleader, S.R.No.34644

W.P.No.1708 of 2012

GSP(18/06/2018)



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