

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23392 of 2018

and

WMP. Nos. 27300 and 27301 of 2018

L.Magilan

...Petitioner

...vs...

The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 600 009.

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records on the file of the respondent pertaining to the order of suspension and order not permitting the petitioner to retire from service issued in his proceedings (i) G.O. (3D) No.40, Environment and Forests (FR-1) Department dated 16.04.2014 and (ii) G.O. (3D) No.43, Environment and Forests (FR-1) Department dated 30.04.2014, respectively and quash the same and to direct the respondent to treat the period of suspension from 16.04.2014 till 30.04.2014, respectively and quash the same and to direct the Respondent to treat the period of suspension from 16.04.2014 till 30.04.2014 as duty period for all purposes with consequential benefits and to disburse all retirement and pensionary benefits with due revision of pay benefits, due and payable to the petitioner, along with interest @ 18% on the delayed payment of all payments from the respective dates of all the payments due and payable to him, till the actual dates of disbursement of all the benefits to the petitioner herein, within a stipulated time.

For Petitioner : Mr.M.Ravi

For Respondents: Mr. N.Santhanaraman

Additional Government Pleader

O R D E R

Heard Mr.M.Ravi, learned counsel appearing for the petitioner, as well as Mr.N.Santhanaraman, the learned Additional Government Pleader (Forests) appearing on behalf of the respondents.

2. The grievance of the petitioner in this case is that while he was serving as Regional Manager/Assistant Conservator of Forests, Villupuram, under the respondent, he was put under suspension, vide order of the respondent dated 16.04.2014, due to his involvement in a criminal case. Whiles, he has reached the age of Superannuation, but was not allowed to retire from service, by the order of the respondent dated 30.04.2014. In the meanwhile, the criminal case registered against him ended in conviction by Judgment dated 29.07.2016, passed by the learned Special Court for V & AC cases, Villupuram. Against which, the petitioner preferred an appeal before this Court in Crl.Appeal No.625 of 2018 and this Court, by an order dated 19.01.2018 set aside the Judgment of the Court below and acquitted the petitioner. Therefore, the petitioner should have been allowed to retire and is eligible for all the service benefits, including the regularisation of period of suspension. In this regard, he made a representation to the respondent on 06.03.2018. Since, the same did not evoke any response, the petitioner has come forward with this Writ Petition, challenging the order of suspension as well as the order passed by the respondent, not allowing the petitioner to retire and for a direction to regularise the period of suspension and also to disburse all retirement and pensionary benefits payable to the petitioner on retirement, within a stipulated period.

3. Though the relief sought for in this writ petition is for a larger relief, the learned counsel for the petitioner submits that it would suffice, if the representation of the petitioner, dated 06.03.2018, is directed to be considered and disposed of by the respondent, on merits and in accordance with law, within a stipulated period.

4. The learned counsel appearing for the respondent seeks time to file counter/reply affidavit in this case.

5. Considering the nature of relief sought for, this Court is not inclined to adjourn the matter for filing reply affidavit, inasmuch as granting such relief in the absence of reply affidavit of the respondent, no way going to cause any prejudice to them.

6. However, regard being had to the facts and submissions made and on going through the materials available on record and also considering the nature of relief now sought for by the petitioner, this Court without seeking reply affidavit directs the respondent to take an informed and considered decision on the representation of the petitioner dated 06.03.2018, on merits and in accordance with law, but addressing the fact that the petitioner has been acquitted in the criminal case, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has expressed no opinion on the merits of the representation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.M.RAVI , Advocate SR.No. 64785

+1 CC TO GOVERNMENT PLEADER FORESTS SR.NO. 64627

W.P.No.23392 of 2018
and

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ASK(20/09/2018)

सत्यमेव जयते

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