



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.8928 of 2018

and

W.M.P. (MD) No.8333 of 2018

C.Christopher Selvarajan

... Petitioner

Vs.

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

2.The Principal Chief Conservator of Forests,
Jennis Building,
Panagal Maligai,
Saidapet, Chennai - 600 015.

3.Chief Conservator of Forests and
Field Director,
Tiger Project,
N.G.O.Colony, Tirunelveli.

4.The Deputy Director,
Project Tiger,
Ambasamudram,
Tirunelveli District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.6088/07 Thi. Dated 16.02.2009 and the consequential impugned charge memo issued in proceedings in Na.Ka.No.A3/69142/07 dated 15.06.2010 and the impugned notice for recovery as punishment issued in proceedings in Na.Ka.No.A3/69142/2007 dated 08.03.2018 (served on 07.04.2018) by the 2nd respondent and quash all as illegal and arbitrary and consequently direct the 2nd and 3rd respondents to disburse the dues payable to the petitioner with interest.

For Petitioner

: Mr.G.Thalaimutharasu

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mrs.S.Srimathy, Spl.G.P.

**O R D E R**

The prayer sought for herein is for a writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.6088/07 Thi. Dated 16.02.2009 and the consequential impugned charge memo issued in proceedings in Na.Ka.No.A3/69142/07 dated 15.06.2010 and the impugned notice for recovery as punishment issued in proceedings in Na.Ka.No.A3/69142/2007 dated 08.03.2018 (served on 07.04.2018) by the 2nd respondent and quash all as illegal and arbitrary and consequently direct the 2nd and 3rd respondents to disburse the dues payable to the petitioner with interest.

2.Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that a larger prayer has been made in this writ petition, challenging series of impugned orders, which culminated in the proposal/show cause notice for the recovery to be made against the petitioner, by order dated 08.03.2018. It is, even though styled as a show cause notice, they already decided to impose the recovery proceedings.

4.However, the learned Special Government Pleader appearing for the respondents would submit that, though 15 days time has been given to give explanation, the petitioner before giving explanation has come to this Court by way of this writ petition, because of the alleged pre-emptive decision they have already taken to impose the recovery against the petitioner.

5.However, the learned counsel for the petitioner after some arguments would submit that, the petitioner would give explanation to the said final show cause notice dated 08.03.2018 for the proposed recovery proceedings to be issued by the respondents. The only request of the petitioner is that since 15 days time given to reply to the said show cause notice is already lapsed, further time may be extended to the petitioner.

6.I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

7.In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to pass the following order by disposing this writ petition, without going into the merits of the issue raised in this writ petition.:

The petitioner is directed to give explanation within 15 days from the date of receipt of a copy of this order, to the show cause notice dated 08.03.2018 in



Na.Ka.No.A3/69142/2007 of the second respondent and on receipt of such explanation to be given by the petitioner, the second respondent shall consider the same independently without being influenced by the proposal already made for recovery against the petitioner, on merits and in accordance with law and pass orders thereon, within a period of four weeks thereafter.

It is made clear that even though explanation is given as indicated above, ultimately, if any adverse order is passed against the petitioner, it shall be open to the petitioner to agitate the same in the manner known to law.

8. With this direction and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Govt.,
State of Tamil Nadu,
Environment and Forests Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Jennis Building,
Panagal Maligai,
Saidapet, Chennai - 600 015.
3. Chief Conservator of Forests and
Field Director,
Tiger Project,
N.G.O. Colony, Tirunelveli.
4. The Deputy Director,
Project Tiger,
Ambasamudram,
Tirunelveli District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.63107

W.P (MD) No.8928 of 2018
23.04.2018

Arul

MS/SV-MMS/SAR-2/26.04.2018/3P.6C