

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.562 of 2019

R.Thannappan ... Petitioner

Vs.

1.Dr.Malleshappa, I.F.S.
Principal Chief Conservator of Forests,
Head of the Department,
Panagal Maaligai, Saidapet,
Chennai - 15.

2.Thiru.Deepak Srivastava, I.F.S.,
Chief Conservator of Forests,
Coimbatore Circle,
Coimbatore. ... Respondents

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondents for the willful disobedience of the order passed by this Hon'ble Court made in W.P.No.2472 of 2018 dated 12.02.2018.

For Petitioner : M/s.T.Dharani
For Respondents : Mrs.Narmadha Sampath
Additional Advocate General
Assisted by Mr.M.Elumalai
Government Advocate

ORDER

This contempt petition is filed alleging willful disobedience of the order dated 12.02.2018 made in W.P.No.2472 of 2018.

2.The petitioner filed W.P.No.2472 of 2018 seeking to finalize the disciplinary proceedings initiated by the second respondent in Memo No.P2/13520/2008 dated 09.12.2015 by considering the Enquiry Officer's Report. This Court vide order dated 12.02.2018, directed the first respondent to pass final orders in the disciplinary proceedings initiated against the petitioner, by the second respondent dated 09.12.2015, by considering the Enquiry Officer's report, within a period of three months from the date of receipt of a copy of that order. For non passing of the orders as per the directions of this Court, the petitioner has filed this contempt petition.

3.Statutory notice was ordered by this Court in this contempt petition on 20.09.2019 and the respondents appeared before this Court on 18.10.2019. The first respondent filed status affidavit dated 17.10.2019, wherein it is stated that charge sheet under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was

issued to the petitioner/ Deputy Conservator of Forests and the Government is the competent Authority to finalize the charge sheet to the persons working in the post of Assistant Conservator of Forests/ Deputy Conservator of Forests.

4.The learned Additional Advocate General would submit that the petitioner has not impleaded the State Government as party in the writ petition and obtained orders from this Court as if the competent person is the Principal Chief Conservator of Forests, which is contrary to the Rules. She would further submit that there was series of correspondence between the Government and the respondents, thereby the Government issued direction to the Principal Chief Conservator of Forests to pass final orders in the Disciplinary proceedings.

5.Considering the fact that the Government is the competent Authority to finalize the charge sheet issued to the persons working in the post of Assistant Conservator of Forests/ Deputy Conservator of Forests; the fact that the petitioner has not impleaded the State Government as party in the writ petition and obtained orders from this Court as if the competent person is the Principal Chief Conservator of Forests; the fact that the petitioner has filed this

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contempt petition and forced this Court to issue statutory notice to the respondents to appear before this Court; the position enjoyed by the respondents and the fact that the respondents have spent huge time for travelling to this Court, the act of the petitioner cannot be viewed lightly. Hence, this Court is inclined to dismiss this contempt petition and to impose cost on the petitioner.

6.This Contempt Petition is accordingly dismissed. The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the State Legal Services Authority, High Court Campus, Chennai, within a period of four weeks from the date of receipt of a copy of this order.

PRI

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

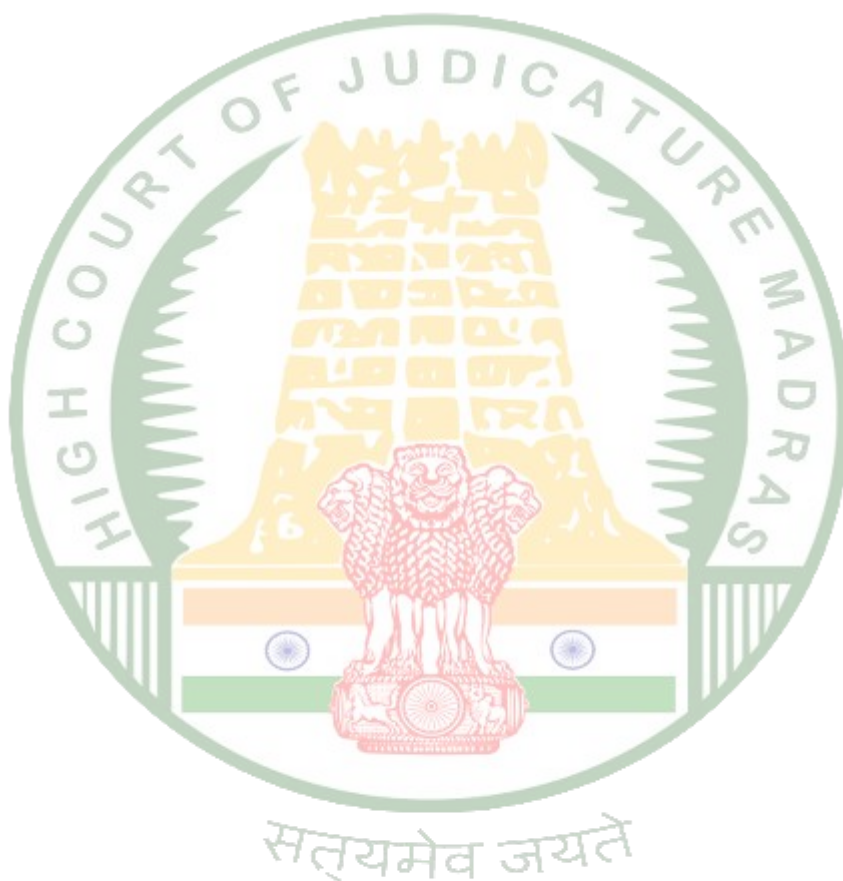
COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Smi/12/11/2019

To

R.Thannappan,
S/o.Ramasamy,
Deputy Conservator of Forests(Under Suspension)
10, Chetty Street,
Thiruvannamalai,
Thiruvannamalai District.



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