



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.20812 of 2019
and

WMP.No.20002 of 2019

M.Manthiram

... Petitioner

Vs

1.The District Forest Officer,
Vellore Forest Division,
Vellore - 9.

2.The District Forest Officer,
Thiruvannamalai Forest Division,
Thiruvannamalai - 606 601.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Madamus calling for the records from the file of First respondent in charge sheet No.48/2019 in Na.Ka.No.2284/19/P1 dated 07.05.2019 and quash the same and direct the second respondent to consider the petitioner representation dated 15.03.2019.

For Petitioner : Mr.M.P.Jayaprakash

For Respondents 1&2 : Mr.M.Elumalai
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of Certiorarified Mandamus to call for the records from the file of First respondent in charge sheet No.48/2019 in Na.Ka.No.2284/19/P1 dated 07.05.2019 and quash the same and direct the second respondent to consider the petitioner representation dated 15.03.2019.

2. According to the petitioner, she joined in Forest Service in the year 1977 as Forest Guard in Vellore Division. Thereafter, he was promoted as Forester in the year 1995. While

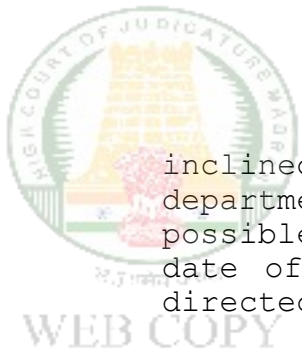


so, on 06.07.2005, the petitioner came to be arrested by the Department of Vigilance and Anti Corruption and remanded to custody and thereafter on 07.07.2005 he was suspended by the first respondent. Thereafter, pursuant to the direction of this Court in W.P.No.35080 of 2005 dated 28.10.2005, the petitioner came to be reinstated. While the petitioner was about to retire on attaining the age of superannuation on 29.02.2008, just two days prior to his retirement, on 26.02.2008, the petitioner came to be suspended and he was not permitted to retire from service. On 26.06.2019, the petitioner was acquitted from criminal case pending against him. Thereafter, the petitioner made representation on 15.03.2019 to the second respondent requesting to permit him to retire from service and treat the suspense period as working period and settle all his retirement benefits. Pursuant to his representation, the first respondent vide proceedings dated 16.06.2019 issued charge memo to the petitioner, calling him to submit explanation. Aggrieved over the same, the petitioner is before this Court.

3. Learned counsel for the petitioner would submit that the petitioner has already attained the age of superannuation as early as 29.02.2008 but he was not permitted to retire from service and his terminal benefits were also not been settled. Learned counsel would also submit that criminal case based on which the petitioner came to be suspended has subsequently ended in acquittal and the petitioner was acquitted beyond all reasonable dues and therefore absolutely there is no impediment for the respondents for considering the claim of the petitioner. However, without considering the claim of the petitioner, the first respondent vide impugned proceedings dated 16.06.2019 issued charge memo calling for explanation from the petitioner which cannot be sustained that too after a lapse of nearly eleven years. Hence, the learned counsel would implore this Court to grant the relief as sought for in the Writ Petition.

4. Learned Government Advocate appearing for the respondents would submit that the Writ Petition is not maintainable since the petitioner has been permitted to give explanation pursuant to the charge memo issued against him on 16.06.2019 and without giving explanation and proceeding disciplinary proceedings, the petitioner has come forward with the present writ petition which cannot entertained.

5. Considering the facts and circumstances and the submissions made by the other side and the petitioner had already reached the age of superannuation as early as 29.02.2008, still he was longing for terminal benefits which have not been settled due to pendency of departmental proceedings initiated against him by issuing present impugned charge memo dated 16.06.2019. In such circumstances I am



inclined to direct the respondents to proceed with the departmental proceedings and conclude the same as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order and the petitioner is directed to cooperate with the enquiry by giving his explanation.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Forest Officer,
Vellore Forest Division,
Vellore - 9.
- 2.The District Forest Officer,
Thiruvannamalai Forest Division,
Thiruvannamalai - 606 601.

+lcc to Mr.M.P.Jayaprakash, Advocate Sr.87875
+lcc to the Special Government Pleader Sr.86601

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mp[co]
srg 13/01/2020