

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.24241 of 2019

Dr.S.V.Rajalingha Rajah, Ph.D,

.. Petitioner

Vs.

1.The Secretary to the Government,
Department of Environment and Forests,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai 600015.

3.The Commissioner for Disciplinary Proceedings,
Office of the Tribunal for Disciplinary Proceedings,
First Floor, Kuralagam,
Chennai - 600 108.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Disciplinary Proceedings in the letter No.Na.Ka.T2/41081/2005 dated 20.12.2016 of the Second respondent, quash the same and direct the first respondent to permit the petitioner to retire on superannuation with all attendant service benefits.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to call for the records of the Disciplinary Proceedings in the letter No.Na.Ka.T2/41081/2005 dated 20.12.2016 of the Second respondent, quash the same and direct the first respondent to permit the petitioner to retire on superannuation with all attendant service benefits.

2. The case of the petitioner is that he had entered the service of the respondent Department as Forest Apprentice in the

year 1980 and he was promoted as Forest Ranger and then promoted as Assistant Conservator of Forests and Deputy Conservator of Forest. The petitioner was due to retire on attaining superannuation on 31.05.2012. In the year 2003 and 2004, the petitioner initiated criminal action against various persons indulging in illegal smuggling. The smugglers instigated and influenced a Typist in the office of the Principal Conservator of Forests and made her to give false complaint against the petitioner to various Government Agencies. Based on the complaint an enquiry was conducted and it was found that the complaint was false and the same was closed in the year 2004.

3. Thereafter, the District Forest Officer, Chengalpattu vide proceedings dated 17.11.2005, issued a charge memo under 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, to the petitioner stating that he had sent a letter to the Director General of Foreign Trade, New Delhi with regard to smuggling of Sandalwood and Red wood without the permission of his superiors and that therefore the petitioner had violated Rule 12 & 20 of the Tamil Nadu Government Servants Conduct Rules, 1973. Subsequently, Rule 17 (a) charge was converted into Rule 17 (b) charge. The petitioner submitted his detailed explanation and oral enquiry was also conducted. Thereafter, the Enquiry Officer has given a report stating that the charges held against petitioner was not proved and subsequently the charges were dropped.

4. On 23.07.2009, the petitioner was placed under suspension in respect of the Criminal case under Section 7 and 13 (2) read with 13 (1) (d) of the Prevention of Corruption Act, 1988. Thereafter, on 30.09.2016, the Tribunal for Disciplinary Proceedings has rendered a finding by holding three charges against the petitioner. On 20.12.2016, the Tribunal for Disciplinary Proceedings issued a show cause notice to the petitioner for his explanation. Challenging the said show cause notice present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner would submit that though the Writ Petition is filed challenging the show cause notice dated 20.12.2016, it would be suffice to issue direction to the 1st respondent to allow the petitioner to participate in the Disciplinary Proceedings and to consider and dispose of the petitioner's explanation dated 05.03.2017 on merits and in accordance with law.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the

petitioner, I am inclined to issue direction to the 1st respondent to allow the petitioner to participate in the Disciplinary Proceedings and to consider and dispose of the petitioner's explanation dated 05.03.2017 on merits and in accordance with law, as expeditiously as possible. However, I am not inclined to interfere the order dated 20.12.2016.

7. The Writ Petition is disposed of on the above lines. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to the Government,
Department of Environment and Forests,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai 600015.

3.The Commissioner for Disciplinary Proceedings,
Office of the Tribunal for Disciplinary Proceedings,
First Floor, Kuralagam,
Chennai - 600 108.

+1cc to Government Pleader SR.NO. 94838

W.P.No.24241 of 2019

ssd(co)
nr 28/01/2020

सत्यमेव जयते

WEB COPY