



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.22481 of 2015
and M.P(MD)No.1 of 2015**

T.Muthukumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai.

2.The Principal Conservator of Forest and
Head of Forest Force,
Panagal Building,
Sydapet, Chennai - 15.

3.The Wild Life Warden,
Megamalai Wildlife Sanctuary,
K.R.R.Nagar, 4th Street,
Theni.

4.The Conservator of Forest,
Madurai Circle, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to sanction and disburse all retirement and monetary benefits of the petitioner including the benefits DCRG and computation of pension.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to sanction and disburse all retirement and monetary benefits of the petitioner including the benefits DCRG and computation of pension.



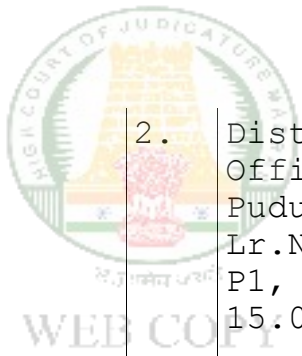
2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. Pointing out the pendency of the Writ Petition in W.P(MD) No.7914 of 2010 all the retirement benefits etc., payable to the petitioner were kept in abeyance. Hence, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner has brought to the notice of this Court, the counter-affidavit filed by the third respondent, wherein at paragraph No.6, it is stated as follows:-

"6. It is respectfully submitted that the writ petitioner Thiru.T.Muthukumar was permitted to retire from service on superannuation on the afternoon of 31.05.2012 without prejudice to the disciplinary proceedings initiated against him and also subject to the outcome of W.P(MD) No.7914 of 2010. The following two charge memos issued under Rule 17(a) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rule have been re-examined and found that the gravity of charges are high. Therefore, the same have been converted into Rule 17(b) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules as follows:

Sl. No.	No. of date of charge memo under Rule 17(a)	No. of date of charge memo under Rule 17(a)	Nature of charges
1.	District Forest Officer, Pudukottai Lr.No.659/2007 D dated 23.03.2007	District Forest Officer, Pudukottai Lr.No.659/2007 D dated 17.03.2011	For the irregularities committed in 2006-2007 Arasankarai, Mumbalai and Adaikadevan areas and thereby trying to cheat the Government by false claim to the tune of Rs.6,06,621/- not produced measurement book for check measuring the works done in 2006 Adaikadevan Mangrove Plantations at the time of higher officials field inspection and thereby neglected duty.



2.	District Forest Officer, Pudukottai Lr.No.1515/07, P1, dated 15.06.2007	District Forest Officer, Pudukottai Lr.No.1515/07 P1, dated 27.07.2011	For the irregularities committed in Shelterbelt Range of Pudukottai Division and incurred excess expenditure of Rs.3,40,373/- by him in execution of works, which caused loss to the Government
----	---	--	---

5.Now, it is placed before this Court that an order came to be passed by this Court on 17.09.2018 in the said Writ Petition in W.P (MD)No.7914 of 2010 and the operative portion of the said order reads thus:-

"10.Resultantly, the impugned Government Order passed by the first respondent in G.O(D)No.372, dated 05.11.2012 and the orders passed by the second and third respondents in See.Mu.Order.No.AaAa3/43239/08, dated 24.08.2009; and in See.Mu.Aa.No.14074/2007/Pa2, dated 26.02.2008, respectively, stand quashed."

6.Since the impugned order in the said Writ Petition came to be quashed, there is no impediment for the authorities to consider the claim of the petitioner and pass appropriate orders as prayed for. In such view of the matter, the respondents are directed to pass necessary orders with regard to sanction and disbursement of all retirement and monetary benefits including the benefits like DCRG and computation of pension to the petitioner, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai.

2.The Principal Conservator of Forest and
Head of Forest Force,
Panagal Building,
Sydapet, Chennai - 15.



3.The Wild Life Warden,
Megamalai Wildlife Sanctuary,
K.R.R.Nagar, 4th Street,
Theni.

4.The Conservator of Forest,
Madurai Circle, Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-52858
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR-53083

W.P (MD) No.22481 of 2015
08.03.2019

ps

SP/PK/03.04.2019 : 4P/7C