



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.09.2019
CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.3980 of 2016

and

W.M.P.(MD) Nos.3571 and 3572 of 2016

Chinnasamy

... Petitioner

-Vs-

1.Chief Conservator of Forest,
Panagalmaligai,
Jennes Road, Saidapet,
Chennai.

2.The District Forest Officer,
Kodaikanal Division,
Kodaikanal, Dindigul District.

3.The Enquiry Officer,
The District Forest Officer,
Sirumalai IFF Division,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner for promotion and consequently, promote the petitioner as a forester by virtue of the disciplinary action initiated against the petitioner vide charge memo in Na.Ka.No.2012/2014/B1, dated 24.09.2014 having lapsed in light of the judgment of this Court in Renganathan Vs. State of Tamil Nadu, 2010 3 MLJ 625 as on the crucial date 15.08.2015.

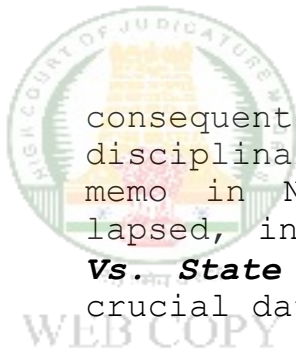
For Petitioner : Mr.E.Mareeskumar
For M/s.Ajmal Associates
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

Heard Mr.E.Mareeskumar, learned counsel appearing on behalf of the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing on behalf of the respondents.

2.This Writ Petition is filed for a direction to the respondents to consider the petitioner for promotion and

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

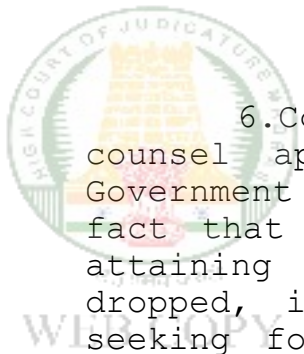


consequently, promote the petitioner as a Forester, by virtue of the disciplinary action initiated against the petitioner, vide charge memo in Na.Ka.No.2012/2014/B1, dated 24.09.2014, which has been lapsed, in the light of the judgment of this Court in **Renganathan Vs. State of Tamil Nadu**, reported in **2010 (3) MLJ 625** as on the crucial date 15.08.2015.

3.While the petitioner is working as Forest Guard, the second respondent suspended the petitioner from service, by the proceedings dated 02.07.2014, for the charge of negligence. In contemplation of the enquiry, the second respondent issued charge memo, dated 24.09.2014, alleging that due to the negligence of the petitioner, loss to the tune of Rs.1,08,416/- was caused to the respondents. The second respondent, by the proceedings dated 25.09.2014, revoked the order of suspension issued to the petitioner and posted the petitioner to Devethanapatti Range, Kodaikanal, Dindigul District, by the order dated 24.09.2014. The second respondent appointed one Selvam, District Forest Officer, Sirumalai Division, as the enquiry officer. The crucial date for the next promotion was on 15.08.2015. The petitioner filed W.P.(MD)No.1489 of 2015, seeking for a direction to the second respondent to conclude the disciplinary proceedings initiated against the petitioner, within a period of three months. This Court, by the order dated 09.02.2015, directed the respondents to complete the disciplinary proceedings, within a period of four months from the date of receipt of a copy of the order. However, the respondents have not passed any order on the disciplinary proceedings initiated against the petitioner and in view of the same, the said proceedings has been lapsed.

4.The learned counsel for the petitioner contended that as per the order of this Court reported in **2010 (3) MLJ 625 (Renganathan Vs. State of Tamil Nadu)**, if the disciplinary authority failed to conclude the enquiry proceedings, within a time limit fixed by the competent Court, the disciplinary proceedings are lapsed and the enquiry officer or disciplinary authority has no jurisdiction to proceed with the enquiry or impose punishment. Therefore, he prayed for allowing this Writ Petition.

5.The learned Special Government Pleader appearing on behalf of the respondents contended that the judgment relied on by the learned counsel for the petitioner is not applicable. The said view was changed by the Division Bench of this Court and the Division Bench of this Court, after considering the facts and circumstances, held that the disciplinary proceedings can be proceeded further. He further contended that in the present case, as per the order of this Court, the enquiry officer proceeded with the enquiry, concluded the same and filed enquiry report. Based on the enquiry report, the first respondent has dropped the charges against the petitioner.



6.Considering the above submission made by the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and considering the fact that the petitioner retired from service on 30.04.2017, on attaining the age of superannuation and the charges were already dropped, it is open to the petitioner to make a representation seeking for terminal benefits, enclosing the proceedings of the first respondent.

7.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Conservator of Forest,
Panagalmaligai,
Jennes Road, Saidapet,
Chennai.

2.The District Forest Officer,
Kodaikanal Division,
Kodaikanal, Dindigul District.

3.The Enquiry Officer,
The District Forest Officer,
Sirumalai IFF Division,
Dindigul.

+1 CC to Spl.GP (SR-89386[F] dated 25/09/2019)

W.P. (MD)No.3980 of 2016
23.09.2019

myr

MK (14.10.2019) 3P 5C