

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.28667 to 28678 of 2013
and
M.P.Nos.1, to 1 of 2013

WP.No.28667 of 2013

R.Rajarathinam .. Petitioner in WP. 28667/2013

- Vs -

- 1.The State of Tamilnadu,
Rep. By its Secretary of Government,
Environment and forest Department,
Secretariat, Fort. St. George,
Chennai-9.
- 2.The Principal Chief Conservator of Forest,
(Head of Forest Force)
Panagal Building,
Chennai -15. Respondent 1 & 2 in all WP's
- 3.Soil Conservation Officer
Mettur Soil conservation Scheme,
Salem. 3rd Respondent
in WP.Nos. 28667, 28668, 28670, 28671/2013

- 1 R.RAJARATHINAM ...PETITIONER in WP No.28667 of 2013
- 1 G.SIVAPRAKASAM ...PETITIONER in WP No.28668 of 2013
- 1 T.MAHALINGAM ...PETITIONER in WP No.28669 of 2013
- 1 P.MOHAN ...PETITIONER in WP No.28670 of 2013
- 1 V.KANDASAMY ...PETITIONER in WP No.28671 of 2013
- 1 K.DAVID ...PETITIONER in WP No.28672 of 2013
- 1 R.KRISHNAMOORTHY ...PETITIONER in WP No.28673 of 2013
- 1 K.GUNASEKARAN ...PETITIONER in WP No.28674 of 2013

1 B.KANNAIYAPPAN ...PETITIONER in WP No.28675 of 2013
1 A.MARIYAPPAN ...PETITIONER in WP No.28676 of 2013
1 P.BALASUBRAMANIAM ...PETITIONER in WP No.28677 of 2013
1 K.GOVINDASAMY ...PETITIONER in WP No.28678 of 2013

3.THE DISTRICT FOREST OFFICER,
NAMAKKAL FOREST DIVISION,
NAMAKKAL DISTRICT. ... 3rd RESPONDENT IN WP. 28669 OF 2013

3.THE DISTRICT FOREST OFFICER,
SALEM DIVISION, SALEM.
... 3rd RESPONDENT IN WP.28669 & 28674 OF 2013

3.THE CHIEF CONSERVATOR OF FOREST
MUDUMALAI TIGER RESERVE,
UDHAGAMANDALAM. ... 3rd RESPONDENT IN WP. 28673 OF 2013

3.THE DISTRICT FOREST OFFICER,
NAMAKKAL DIVISION,
NAMAKKAL. ... 3rd RESPONDENT IN WP. 28675 OF 2013

3.THE DISTRICT FOREST OFFICE,
HARUR FOREST DIVISION HARUR,
DHARMAPURI DISTRICT.
... 3rd RESPONDENT IN WP. 28676 OF 2013

3.THE DIVISIONAL FOREST OFFICER,
INTERFACE FORESTORY DIVISION,
SALEM. ... 3rd RESPONDENT IN WP. 28677 OF 2013

3.THE DEPUTY CONSERVATOR OF FOREST,
AFFORESTATION DIVISION,
TIRUVANNAMALAI. ... 3rd RESPONDENT IN WP. 28678 OF 2013

PRAYER IN WP No.28669 of 2013: Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO.5520/2011E1 dated 25.3.2013 against the petitioner by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame.

PRAYER IN WP No.28672 of 2013 : Petition filed under Article

226 of Constitution of India praying this court to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO.E2/9244/2011-9 dt 20.3.2013 against the petitioner by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame.

WP No.28673 of 2013:

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO.V/42870/11 dt 26.2.2013 under Rule 17 (c) (i) (1) of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame

WP No.28674 of 2013:

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO.E2/9244/2011-7 dt 20.3.2013 against the petitioner by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame

WP No.28675 of 2013:

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated against the petitioners by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame

WP No.28676 of 2013:

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo No. 1505/2011/E1 dt 11.3.2013 against the petitioners by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame

WP No.28677 of 2013

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO. 4753/2011-E2 dated 18.3.2013 against the petitioner by invoking Rule 9A of Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame

WP No.28678 of 2013

directing the 1st respondent to pass appropriate orders on the disciplinary proceedings initiated in memo NO. 4665/2009 E dated 25.3.2013 against the petitioner by invoking Rule 9A of

Tamilnadu Civil Service (Discipline and Appeal) Rules by summoning the records from 2nd and 3rd respondents within the time frame.

Prayer in Writ petition No.28667 of 2013, 28668/13, 28670/13, 28671/13: Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st respondent to pass appropriate order on the disciplinary proceedings initiated in memo No.2989/E/11 dated 19.03.2013 against the petitioner by invoking Rule 9(A) of the Tamil Nadu Civil Service (Discipline & Appeal) Rules by summoning the records from the 2nd and 3rd respondents within a time frame.

In all WPs.
For Petitioner : M/S.M.Devaraj

For Respondents: Mr.Vijaya Prasanth, Spl.G.P., for Respondents
in WP.Nos.28668, 28670, 28673 & 28677/2013

:Mr.S.Prabhu, AGP
in WP.Nos.28669, 28672, 28676 of 2013

:Mr.M.Elumalai, AGP
in WP.Nos.28671, 28674, 28675 & 28678/ 2013

COMMON ORDER

As the relief sought for in all the petitions are identical, they are disposed of by this common order.

2. The case of the petitioners is that the petitioners are involved in the Vachathi Forest raid case. Apart from this a criminal case was registered and disciplinary proceedings were initiated against the petitioners in the year 2013, however disciplinary proceedings are yet to be concluded inspite of a lapse of more than seven years. Hence the petitioners filed these writ petitions with the above said prayer.

3. Learned counsel appearing for the petitioner submitted that though very many grounds are raised, however, it would suffice if this Court issues a direction to the respondents to conclude the disciplinary proceedings initiated u/r Rule 9-A and 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules against the respective petitioners, within a period stipulated by this Court.

4. Learned Government Advocate appearing for the respondents fairly conceded that the disciplinary proceedings is yet to be concluded, however, submitted that the disciplinary

proceedings will be concluded within the time frame stipulated by this Court.

5. In view of the fair stand taken by the learned Government Advocate, this Court, without going into the merits of the contentions, directs the respondents to complete the disciplinary proceedings against the petitioners initiated under the relevant rules, in accordance with law within, a period of six months from the date of receipt of copy of this order.

6. With the above direction, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrs

To

1. The State of Tamilnadu,
Rep. By its Secretary of Government,
Environment and forest Department,
Secretariat, Fort. St. George,
Chennai-9.
2. The Principal Chief Conservator of Forest,
(Head of Forest Force)
Panagal Building,
Chennai -15.
3. Soil Conservation Officer
Mettur Soil conservation Scheme,
Salem.
4. The District Forest Officer,
Namakkal Forest Division,
Namakkal district.
5. The District Forest Officer,
Salem District, Salem.
6. The Chief Conservator of forest Mudumalai
Tiger Revenue, Udhagamandalam

7.The District Forest Officer,
Horur Forst Division, Horur,
Dharmapuri district.

8.The Divisional Forest Officer,
Interface Forestry Division, Salem.

9.The Deputy conservator of Forest,
Afforestation Division,
Tiruvannamalai District.

+1cc to the Special Government Pleader Forest, S.R.No. 39434

W.P. Nos.28667 to 28678 of 2013

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GN(01/02/2021)



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