



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31978 of 2013

And

M.P.No.1 of 2013

R.Mathaiyan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to 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. The District Forest Officer,
Attur Forest Division,
Attur,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass appropriate order on the disciplinary proceedings initiated against the petitioner by invocation of Rule 9(A) of the Tamil Nadu Civil (Disciplinary & Appeal) Rules on receipt of records from the 2nd and 3rd respondent within a time framed to be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.S.Prabhu

Additional Government Pleader

O R D E R

This writ petition has been filed seeking direction to the first respondent to pass appropriate order on the disciplinary proceedings initiated against the petitioner within a reasonable time frame.



2.The case of the petitioner is that the petitioner is involved in the Vachathi Forest raid case. A criminal case was registered against the petitioner and some other persons and the same was tried in S.C.No.1 of 2008 by the learned Principal Sessions Judge and Special Court of the SC and ST (Prevention of Atrocities Act, 1989), Dharmapuri and the petitioner was convicted along with the other accused.

3.It is the further case of the petitioner that aggrieved by the said conviction, the petitioner preferred criminal appeal before this Court and the same is pending. Thereafter, the third respondent issued show cause notice dated 31.03.2013 under Rule 17(c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same was served on the petitioner on 14.04.2013. Aggrieved by the same, the petitioner has filed this writ petition.

4.Though very many grounds are raised in this writ petition, the learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to conclude the disciplinary proceedings initiated under Rule 17(c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, within a time frame and grant liberty to the petitioner to work out the remedy in the manner known to law after disposal of the criminal appeal pending before this Court.

5.The learned Additional Government Pleader would submit that that the disciplinary proceedings will be concluded within the time frame stipulated by this Court.

6.In view of the above, this Court directs the respondents to conclude the disciplinary proceedings initiated under Rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the petitioner, within a period of six months from the date of receipt of a copy of this order. Liberty is granted to the petitioner to work out the remedy in the manner known to law after disposal of the criminal appeal pending before this Court.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

1. The Secretary to 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. The District Forest Officer,
Attur Forest Division,
Attur,
Salem District.

+1 cc to The Special Government Pleader, Sr.No. 32930

W.P.No.31978 of 2013

BR(CO)
RMP(09/11/2020)