

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32529 to 32531 of 2013

R.G.Perumal	... Petitioner in W.P.32529/2013
K.Govindan	... Petitioner in W.P.32530/2013
A.Periyanayagam	... Petitioner in W.P.32531/2013

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. ...Respondents in all the W.Ps.
3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri. ...Respondent in W.P.32529/2013
3. The District Forest Officer,
Salem Forest Division,
Salem - 7. ...Respondent in W.Ps.32530 and
32531/2013

Prayer in W.P.No.32529 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in Letter/Memo No.7109/2011-E, dated 13.03.2013 issued by the 3rd respondent and quash the same is illegal.

Prayer in W.P.No.32530 of 2013:

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.

Prayer in W.P.No.32531 of 2013:

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 Petitioners	: Mr.K.Gandhi Kumar
For Respondents	: Mr.S.Prabhu
	Additional Government Pleader

C O M M O N O R D E R

These writ petitions have been filed seeking direction to the respondents to pass appropriate orders on the disciplinary proceedings initiated against the petitioners within a reasonable time frame.

2.Since the issue involved in all these writ petitions are one and the same, they are heard together and disposed of by way of the common order.

3.The case of the petitioners is that the petitioners are involved in the Vachathi Forest raid case. A criminal case was registered against the petitioners and other accused 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 petitioners were convicted along with the other accused.

4.It is the further case of the petitioners that aggrieved by the

said conviction, the petitioners preferred criminal appeal before this Court and the same is pending. Thereafter, the respective third respondent issued show cause notice dated 13.03.2013, 20.03.2013 and 20.03.2013 respectively, under Rule 17(c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to the petitioners. Aggrieved by the same, the petitioners have filed these writ petitions.

5.Though very many grounds are raised in these writ petitions, the learned counsel appearing for the petitioners 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 petitioners to work out the remedy in the manner known to law after disposal of the criminal appeal pending before this Court.

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

7.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 petitioners, within a period of six months from the date of receipt of a copy of this order. Liberty is granted to the petitioners to work out the remedy in the manner known to law after disposal of the criminal appeal pending before this Court.

8.These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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,
Dharmapuri Forest Division,
Dharmapuri.
4. The District Forest Officer,
Salem Forest Division,
Salem - 7.

+3cc to The Special Government Pleader(Forest), XXVII, High
court Chambers, Ch-104. in S.R.No.32931, 32928, 32929

W.P.Nos.32529 to 32531 of 2013

BR(CO)
RV(10/11/2020)