



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Appl(MD)No.23 of 2020

and

W.M.P. (MD)No.7725 of 2020

- 1.The Principal Secretary to Government,
Environmental & Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The Principal Chief Conservator of Forests,
Chennai.
- 3.The District Forest Officer,
Madurai Forest Division,
Madurai - 625 002. .. Petitioners / Respondents 2 to 4

Vs.

- 1.A.Karuppasamy,
S/o. Arumugam,
Retd Forester,
Door No.3/48,
Thinattangudi Post,
Melur Taluk, Madurai District. ... 1st Respondent / Petitioner
- 2.The Principal Accountant & General (A&E),
Chennai. .. 2nd Respondent / Respondent-1

PRAYER: Review Application filed under Section 114 read with Order XLVII Rule 1 of C.P.C. to review the order passed by this Court in W.P. (MD)No.20298 of 2019 dated 21.10.2019.

Prayer in WP(MD). 20298/ 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue of writ of certiorarified mandamus calling for the records pertaining to the proceedings in Proc.No.6889/2015 dated ...08/2019 of 4th respondent and quash the same and further direct the respondents to sanction full pension calculating from the date of superannuation / retirement ie., 30/04/2016 with an interest of 18 percent.



For Petitioners : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

For R1 : Mr.T.S.Mohamed Mohideen

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O R D E R

The matter is heard through video-conferencing.

2.Mr.J.Gunaseelan Muthiah, the learned Additional Government Pleader appearing for the petitioners submitted that though charge sheet levelled against the 1st respondent was dropped by the order of the 1st petitioner in G.O.Ms.No.175, Environment and Forests (FR-1) Department, dated 09.07.2018, for the earlier charge sheet levelled against the 1st respondent, a vigilance enquiry is pending against the 1st respondent, which may warrant imposing major punishment. The Deputy Superintendent of Police, Vigilance and Anti-Corruption, Madurai, by his proceedings in C.No.35/2016/DSP/V&AC/MU, dated 30.03.2016, requested the service particulars of the 1st respondent and five others for the alleged misappropriation of the Government fund of Rs.5,47,085/- which was entrusted to them by the Government for the purpose of implementing Massive Tree Planting programme. The vigilance enquiry is now pending. This fact was not brought to the notice of this Court on 21.10.2019 at the time of hearing W.P.(MD) No.20298 of 2019 and prayed for review the order dated 21.10.2019 made in W.P.(MD)No.20298 of 2019.

3.Heard Mr.J.Gunaseelan Muthiah, the learned Additional Government Pleader appearing for the petitioners as well as Mr.T.S.Mohamed Mohideen, learned counsel appearing for the 1st respondent and perused the entire materials on record.

4.From the materials available on record, it is seen that the 1st respondent was permitted to retire from service on 30.04.2016 without prejudice to the disciplinary proceedings pending against him issued by the District Forest Office, Madurai Division, Madurai, in proceedings C.No.3501/2010/P, dated 03.03.2014 and provisional pension was sanctioned by the proceedings No.E/6889/2015, dated Nil.08.2019 to the 1st respondent. The 1st respondent filed W.P.(MD) No.20298 of 2019 challenging the proceedings dated .08.2019 sanctioning only provisional pension and prayed for a direction to the respondents to sanction full pension calculating from the date of superannuation i.e., from 30.04.2016 with interest at the rate of 18%. This Court considering the fact that the 1st petitioner by G.O.Ms.No.175, Environment and Forests (FR-1) Department, dated 09.07.2018 dropped the disciplinary proceedings, allowed the writ petition and directed the 4th respondent to calculate the pension payable to the petitioner from 01.05.2016 and forward the same to the 1st respondent for sanctioning the pension to the petitioner. The



contention of the learned Additional Government Pleader appearing for the petitioners that the vigilance enquiry is pending against the 1st respondent and the same was not brought to the notice of this Court and referred a letter dated 30.03.2016 issued by the Deputy Superintendent of Police, Vigilance and Anti-corruption, Madurai. This contention is not acceptable as the alleged vigilance enquiry was not mentioned in the order dated 30.04.2016 permitting the 1st respondent to retire and the letter dated 30.03.2016 of the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Madurai, does not mention the name of the 1st respondent. The learned Additional Government Pleader appearing for the petitioners is trying to argue a new point which is not on record.

5.For the above reasons, the Review Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Principal Accountant & General (A&E),
Chennai.

+1cc to Mr.T.S.MOHAMED MOHIDHEEN, SR.No.14844.

+1cc to M/s. Special Government Pleader, SR.No.14871.

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