



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.16638 of 2013

and

M.P(MD)No.2 of 2013

WEB COPY

J.Abdul Hanif

...Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

2.The Conservator of Forests
Madurai Circle, Race Course Road,
Madurai.

3.The District Forest Officer
Madurai Division, Madurai - 2.

4.A.S.Marimuthu, District Forest Officer,
Madurai Division
Madurai-2.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order of recovery and punishment passed by him vide his proceedings in Se.Mu.Aa.No.Aa2/8071/10 dated 30.06.2010 and quash the same as illegal and arbitrary and consequently direct the respondents 1 to 3 to return the amount of Rs.3,12,414/- paid by the petitioner on 27.09.2013 with interest and within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

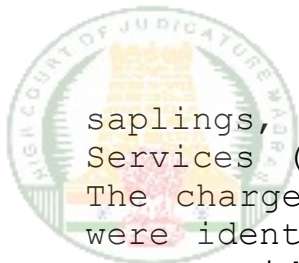
For Respondents 1 to 3 : Mr.D.Muruganandham

Additional Government Pleader

O R D E R

The order of recovery passed by the second respondent in proceeding dated 30.06.2010 is sought to be quashed in the given writ petition.

2. The writ petitioner joined as Forester on 23.04.1981 and subsequently promoted to the post of Forest Ranger and retired from service on attaining the age of superannuation. The petitioner was not allowed to retire from service and order of suspension was issued on initiation of Departmental disciplinary proceedings regarding certain irregularities in planting of teak



saplings, a charge memo under Rule, 17(a) of the Tamil Nadu Civil Services (D & A) Rules, was issued against the writ petitioner. The charge memo dated 05.02.2010 reveals that some irregularities were identified regarding planting of teak saplings. The details are provided in the charge memo and the writ petitioner submitted his explanation on 25.05.2010. The explanation submitted by the writ petitioner was considered by the Disciplinary Authority and the final order in the disciplinary proceedings was issued by the second respondent in proceeding dated 30.06.2010 and the recovery was imposed to make good the loss occurred to the Government.

3. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that in order to make good the short fall arose on account of certain irregularities, the order of recovery was imposed. The short fall were identified by the Competent Authorities during the inspection and based on the inspection report, disciplinary proceedings were initiated under Rule 17(a) of the Disciplinary and Appeal Rules. The proceedings were contemplated under the Rules were followed scrupulously and therefore, the writ petition is liable to be dismissed.

4. This Court is of the considered opinion that initiation of the disciplinary proceedings occurred due to the short fall in plantation of trees. During inspection, the authorities identified the short fall. Therefore, they have initiated action for minor penalty, 17(a) charges were issued. The writ petitioner has submitted his explanation, denying the charges and the Authorities Competent considered the explanation and arrived a conclusion that the writ petitioner is responsible to make good financial loss caused to the Department. The impugned order reveals that the procedures contemplated under the Disciplinary and Appeal Rules are followed, the opportunity was given to the writ petitioner. The short fall in plantation of trees are established through the inspection report. This being the factum, the writ petitioner has not made out any acceptable grounds for the purpose of interfering with the impugned order of recovery. Thus, the writ petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)



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To மதுரை உயர் நீதிமன்றம்

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