



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

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

W.P. (MD) No.1445 of 2020

and

W.M.P. (MD) No.1152 of 2020

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... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Environment and Forest Department,
Secretariat, Chennai.

2.The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai-15.

3.The Conservator of Forests,
Virudhunagar Division,
Virudhunagar.

4.The Treasury Officer,
District Treasury,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pay to the petitioner the amount of Rs.72,000/- along with an accrued interest at the rate of 18% p.a. in conformity with G.O.(D)No.140, Environment and Forest Department, dated 30.05.2017 and also in light of the order, dated 10.06.2011 made in W.P.(MD)No.12249 of 2008 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For Respondents : Mr.R.Sethuraman
Special Government Pleader

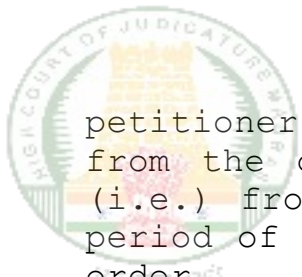


ORDER

The petitioner herein is an erstwhile employee of the Forest Department. When the respondents had passed an order, dated 31.10.2007, holding that the petitioner is responsible for the loss to the Department to the value of Rs.2,28,616/- and consequently, directed him to pay the same in 51 installments, the same came to be challenged by the petitioner in W.P.(MD)No.12249 of 2008 and this Court, by order, dated 10.06.2011 had held that the reasoning of the respondents holding that the petitioner is responsible for the loss is totally perverse and therefore, he could not be held responsible for the loss. Accordingly, the impugned order, dated 10.09.2008 rejecting the petitioner's appeal, dated 11.04.2008 came to be quashed. In the meantime, a sum of Rs.2,28,616/- was recovered from the petitioner, out of which, a sum of Rs.1,56,616/- was repaid to the petitioner, pursuant to the Court orders. The balance amount of Rs.72,000/- alone was required to be repaid. In continuation of the petitioner's representation, dated 02.06.2016, the Government in G.O.(D)No.140, Environment and Forest Department, dated 30.05.2017, had directed the second respondent to refund the sum of Rs.72,000/- to the petitioner. Even though, the Government order came to be passed on 30.05.2017 and the petitioner had been consistently making several representations including the last representation made on 24.03.2019, the sum of Rs.72,000/- was not yet refunded to the petitioner.

2.It is not in dispute that the order passed by this Court in W.P.(MD).12249 of 2008, dated 10.06.2011 had become final. The Government order in G.O.(D)No.140, Environment and Forest Department, dated 30.05.2017, has also been passed, which positively directs the second respondent to refund the sum of Rs.72,000/-. When there is absolutely no reply from the respondents as to why the earlier order of this Court, dated 10.06.2011 as well as G.O.(D)No.140, Environment and Forest Department, dated 30.05.2017 should not be implemented, it would automatically be deemed that the respondents have unjustly withheld the sum of Rs.72,000/- and therefore, would be liable to pay interest. The petitioner herein had sought for refund of the sum of Rs.72,000/- along with interest at the rate of 18% per annum both in his representations as well as in the prayer sought for before this Court. I am of the view that if the amount is directed to be refunded along with interest at the rate of 6% per annum, the ends of justice could be secured.

3.In the light of the above observations, there shall be a direction to the second respondent herein to forthwith pay a sum of Rs.72,000/- (Rupees Seventy Two Thousand only) to the



petitioner herein along with interest at the rate of 6% per annum from the date of the order passed in W.P.(MD)No.12249 of 2008, (i.e.) from 10.06.2011 till the date of actual payment, within a period of eight (8) weeks from the date of receipt a copy of this order.

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4.The Writ Petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary,
State of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai.
- 2.The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet, Chennai-15.
- 3.The Conservator of Forests,
Virudhunagar Division, Virudhunagar.
- 4.The Treasury Officer,
District Treasury, Virudhunagar.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4897[F] dated 05/02/2020)

+1 CC to M/s.SPL GP (SR-5122[F] dated 06/02/2020)

Order made in
W.P. (MD) No.1445 of 2020
05.02.2020

KG(CO)
TR(25.02.2020) 3P 7C