

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1151 of 2021

T.Sivasankaran

... Petitioner

Vs

1. Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort. St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Villupuram District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to pass appropriate orders permitting the petitioner to retire from service pursuant to the proceedings in Se.Mu.No.A1/32031/2014, dated 15.09.2020 of the second respondent dropping the entire disciplinary proceedings against the petitioner and to further direct the respondents to disburse the terminal benefits payable to the petitioner with statutory interest within a specified time limit that may be fixed by this Court, in the light of the representation dated 23.11.2020.

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Prabhu,
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to pass appropriate orders permitting the petitioner to retire from service pursuant to the proceedings in Se.Mu.No.A1/32031/2014, dated 15.09.2020 of the second

respondent, dropping the entire disciplinary proceedings against the petitioner and for a consequential direction to the respondents to disburse the terminal benefits payable to the petitioner with statutory interest, in the light of the representation dated 23.11.2020.

2. By consent of both the parties, orders are passed in the writ petition at the admission stage. Mr.S.Prabhu, learned Additional Government Pleader takes notice for respondents.

3. The case of the petitioner is that he joined the Forest Department as Forest Guard on 02.01.1984 and subsequently he was promoted from time to time. Just a week prior to his retirement which was lying on 31.10.2014, the petitioner was issued with a charge memo on 24.10.2014 and was placed under suspension by an order dated 27.10.2014 and was not allowed to retire from service on the ground that an enquiry is contemplated against him in connection with certain grave charges. Therefore, the petitioner filed writ petitions in W.P. Nos.30538 of 2014 and 33849 of 2015 challenging the charge memo and the orders of recovery. This Court, by order dated 27.10.2015 held that the orders of recovery have to be treated as show cause notices and that the petitioner is at liberty to submit his explanation to the said notices and by an order dated 04.06.2018 has held that the respondents shall conclude the disciplinary proceedings initiated against the petitioner within a period of six months. Thereafter, though the second respondent passed an order holding that the entire proceedings initiated against the petitioner are dropped, the respondents did not pass any order, allowing him to retire from service. Hence, the petitioner submitted a representation dated 23.11.2020 to the respondents requesting him to pass appropriate orders permitting him to retire from service and to settle the terminal benefits. However, due to no response on the side of the respondents, the petitioner has come forward with this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and as the Petitioner's representation is already pending with the authorities concerned, this Court directs the respondents to consider the representation of the petitioner dated 23.11.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all parties concerned, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 23.11.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vum
To:

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort. St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Villupuram District.

+1cc to the Special Government Pleader Sr.3117
+1cc to Mr.S.Mani, Advocate Sr.3598

W.P.No.1151 of 2021

ss[co]
srg 26/02/2021