

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2642 of 2021

B.Mohamed Ghouse

... Petitioner

Vs

1.The Principal Secretary to Government,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai-600 015.

3.The Conservator of Forests,
Dharmapuri Forest Region,
Dharmapuri-1,
Dharmapuri District.

4.The District Forest Officer,
Hosur Forest Division,
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 and 2 to pass orders in the Review/Appeal filed by the petitioner dated 07.08.2014 and 15.09.2016 in the light of the Government Order in G.O. (2D) No.59, Environment and Forest (Forest-1) Department dated 06.07.2016 issued by the first respondent within stipulated time.

For Petitioner	: Mr.R.Jothimanian
For Respondents	: Mr.S.Prabhu, Additional Government Pleader

O R D E R

The petitioner seeks a direction to the respondents 1 and 2 to pass orders in the Review / Appeal filed by the petitioner, dated 07.08.2014 and 15.09.2016 in the light of the Government Order in G.O.(2D) No.59, Environment and Forest (Forest-1) Department, dated 06.07.2016 issued by the 1st respondent within stipulated time.

2. It is the case of the petitioner that while the petitioner was in service as Forester in Krishnagiri District, a committee called FEMAS Committee found some irregularities during inspection. Pursuant to the report of the said committee, the 4th respondent had issued a Charge memo against the petitioner under Rule 17 (b) of Tamil Nadu Civil Services (Discipline and appeal Rules) dated 05.07.2011. Thereafter, the 4th respondent has passed final order on 24.04.2012 vide Se.Mu.Aa.No.8763/2010/Pa1 by which a recovery of a sum of Rs.4,75,571/- was imposed on the petitioner as punishment. Aggrieved against the said order dated 24.04.2012, the petitioner preferred an appeal before the 3rd respondent on 07.08.2014 and the same is pending. Subsequently, the petitioners filed a Review petition against the order of the 4th respondent dated 24.04.2012, before the 2nd respondent on 01.03.2015 which is also pending for the past five years. Therefore, the petitioner has filed the present writ petition seeking direction to the respondents to pass final orders in appeal as well as in Review petition.

3. When the matter is taken up for hearing, it is represented by the petitioner that the Revisional Authority and the Appellate Authority are one and the same. Since the appeal and Review petition are pending before the 2nd and 3rd respondents respectively, the respondents concerned may be directed to consider the representations dated 15.12.2020 with regard to disposal of Appeal and Review petition on merits, after affording an opportunity of hearing to the petitioner.

4. Considering the fact that the petitioner has retired from service, this Court directs the the competent authority, either the 1st or 2nd or 3rd respondent shall consider the issue, de hors the observation made by the 3rd respondent by dealing with the issue independently and pass orders on the representation dated 15.12.2020 in accordance with law, after affording an opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order and communicate the said order to the petitioner within a period of one month thereafter.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum
To:

- 1.The Principal Secretary to Government,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai-600 015.
- 3.The Conservator of Forests,
Dharmapuri Forest Region,
Dharmapuri-1,
Dharmapuri District.
- 4.The District Forest Officer,
Hosur Forest Division,
Hosur, Krishnagiri District.

+1cc to Mr.M.R.Jothiraman , Advocate SR.No. 7428
+1 cc to Government Pleader Sr.No. 7549

A.SK(15.03.2021)

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सत्यमेव जयते

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