

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.28418 to 28423 of 2013
&
MP.Nos. 1 to 1 of 2013
&
MP.No.1 of 2015

K.Periyasamy ... Petitioner in W.P.No.28418 of 2013
N.Thangavelu ... Petitioner in W.P.No.28419 of 2013
G.Perumal ... Petitioner in W.P.No.28420 of 2013
C.Vediyappan ... Petitioner in W.P.No.28421 of 2013
K.Mahendran ... Petitioner in W.P.No.28422 of 2013
M.Sampathkumar ... Petitioner in W.P.No.28423 of 2013

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forests Force),
Panagal Building, Chennai - 600 015.
... Respondents 1 and 2 in all WPs
3. The District Forest Officer,
Hosur Forest Division,
Hosur.

...3rd Respondent in W.P.Nos.28418
& 28423 of 2013

The Forestry Extension Officer,
Forestry Extension Division,
Krishnagiri - 635 115.

... 3rd Respondent in
W.P.No.28419 of 2013

The District Forest Officer,
Harur Forest Division,
Harur.

... 3rd Respondent in W.P.Nos.28420
& 28421 of 2013

The District Forest Officer,
Modern Nursery Division,
Dharmapuri -5.

... 3rd Respondent in
W.P.No.28422 of 2013

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to pass appropriate orders on the disciplinary proceedings initiated against the petitioner by invocation of Rule 9A of Tamil Nadu Civil Services (Discipline & Appeal) on receipt of records from 2nd and 3rd respondents, within a time frame to be fixed by this Hon'ble Court.

For Petitioners : Mr.G.Sankaran in all WPs
For Respondents : Mr.M.Elumalai, AGP (Forest)
in all WPs

COMMON ORDER

The petitioners in all these writ petitions, sought a similar relief of mandamus, directing the first respondent to pass appropriate orders, on the disciplinary proceedings initiated against them by invoking Rule 9A of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, on receipt of the records from the respondents 2 and 3, within a time frame to be fixed by this Court. Therefore, they were heard together and are decided by this common order.

2.According to the petitioners, they were working in the Forest Department and discharging their duties, with utmost satisfaction of their superiors as envisaged in the relevant rules, guidelines and manuals. While so, they were implicated in Vachathi Forest raid case. Consequently, criminal cases were registered, as a result of which, disciplinary proceedings were initiated against the petitioners under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and show cause notices were issued to the petitioners, which were questioned in WP.No.9281 of 2013 etc. batch of cases. This Court, by a common order dated 23.04.2013, disposed of the said batch of cases, with certain directions, one among which is as follows:

"(iv)In view of the dismissal of the challenge made by the writ petitioners to the show cause notices, the petitioners are granted a time of 15 days to give their replies to the impugned show cause notices. Within 4 weeks of the receipt of the replies from the

petitioners, the respective Disciplinary Authorities shall consider the same in the light of the facts that led to their conviction and pass final orders imposing any one of the penalties specified in Rule 8(iv), (vi), (vii) and (viii) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. The disciplinary authorities shall bear in mind that dismissal from service is not the only option given to them under Rule 17(c)(i)(1) and that have the power to impose any one of the four penalties keeping in mind the facts that relate to the conviction of the writ petitioners."

Pursuant to the aforesaid order, the petitioners submitted their replies to the show cause notices received. In the mean while, stating that as per Rule 9A of TNCS (D&A) Rules, the first respondent viz., Government alone is a competent authority to pass orders and impose any one of the penalties in Rule 8, on the disciplinary proceedings initiated against the petitioners, they have filed the present writ petitions for the aforesaid relief.

3. On 10.10.2013, at the time of admission, this Court passed the following order:

"The enquiry being conducted by the authorities is in contravention of Rule 9(A) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. However, considering seriousness of allegations made against the petitioners, this Court is not inclined to stay the further proceedings.

However, it is made clear, the respondents may proceed with the enquiry and passing of the final orders alone is stayed.

Call the matter on 11.10.2013."

4. On receipt of notice, the third respondent filed separate counter affidavits, inter alia stating that the Government vide Letter No.21511/FR.Spl.A/2006 dated 01.02.2013, requested the Principal Chief Conservator of Forests (Head of Forest Force) to take disciplinary action, after following the due procedure under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules; in compliance with the same, action was taken to issue show cause notices to the petitioners by the authorities concerned; upon receipt of the same, the petitioners submitted their replies; and final orders were passed, however, in view of the stay order obtained by the petitioners in the present writ petitions, the final orders have not been served on them. Hence, this respondent requested to vacate the stay order and pass appropriate orders in the writ petitions.

5. Today, when the matters were taken up, the learned counsel

appearing for the petitioners submitted that it would suffice, if a direction is issued to the respondents to conclude the disciplinary proceedings initiated against the respective petitioners, within the period to be stipulated by this Court.

6.The learned Additional Government Pleader appearing for the respondents has no serious objection in granting such relief to the petitioners.

7.Considering the limited relief now sought by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, this Court, without expressing any opinion as regards the merits of the case, directs the respondents to complete the disciplinary proceedings initiated against the petitioners under the relevant Rules, if not already completed, and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8.Accordingly, all the writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

av

To

1. The Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forests Force),
Panagal Building, Chennai - 600 015.
3. The District Forest Officer,
Hosur Forest Division, Hosur.
4. The Forestry Extension Officer,
Forestry Extension Division,
Krishnagiri - 635 115.

5. The District Forest Officer,
Harur Forest Division, Harur.

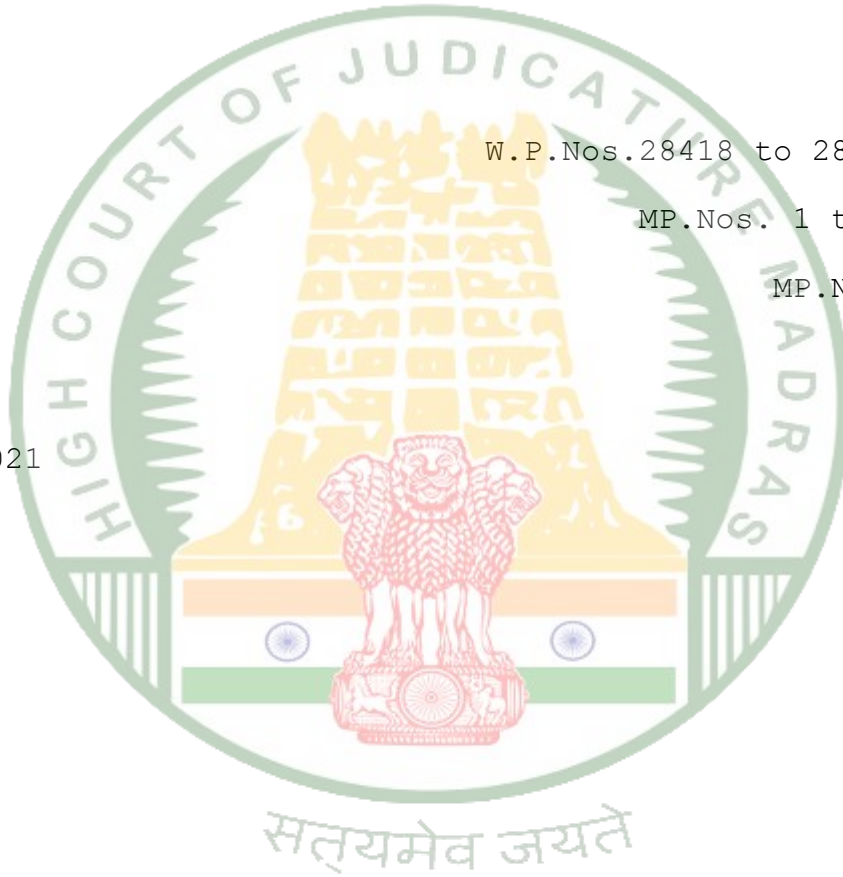
6. The District Forest Officer,
Modern Nursery Division,
Dharmapuri -5.

+6 ccs to M/s.G.Sankaran Advocate sr5517

+1 cc to Mr.S.V.Vijay Prashanth Special Government Pleader
(forest) sr5880 to 5885

W.P.Nos.28418 to 28423 of 2013
&
MP.Nos. 1 to 1 of 2013
&
MP.No.1 of 2015

sra(co)
aa15/03/2021



WEB COPY