



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 13860 of 2021

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S. Jeyaraj

... Petitioner

Vs.

1. The Principal Conservator of Forest,
O/o. the Principal Conservator of Forest,
Chennai.

2. The Chief Conservator of Forest,
O/o. the Chief Conservator of Forest,
Dindigul.

3. The District Forest Officer,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to expedite enquiry and dispose it on the basis of the petitioner's representation dated 25.06.2021 within a stipulated time framed by this Court.

For Petitioner	:	Mr. A. Rajaram
For Respondents	:	Mr. A. K. Manickam Government Counsel

O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the third respondent to expedite the enquiry and dispose of the same on the basis of the petitioner's representation dated 25.06.2021 within a stipulated time framed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



4. According to the petitioner, he was appointed as a Forest Guard on 23.10.2000 in the third respondent office and thereafter, he was promoted as Forester on 04.01.2012. While he was working as Forester in Murugamalai East Beat, Murugamalai RF, Muttukombai Range limit of Devathanapatty range, he was issued with a charge memo dated 08.06.2020 by the third respondent alleging that he has failed to report the death of Indian Gaur ('A' schedule Animal) and therefore, action has been taken against the petitioner and he was placed under suspension on 04.05.2020. A charge memo was issued on 08.06.2020 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. An enquiry officer was also appointed on 19.10.2020 and disciplinary proceedings were initiated under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. According to the petitioner, the respondent has not concluded the disciplinary proceedings and the same were kept pending without any progress. According to the petitioner, because of the pending enquiry, the petitioner lost the opportunity of the promotion and thereby the petitioner's rights to get promotion has been deprived of. Therefore, he seeks early conclusion of the disciplinary proceedings. In this regard, he made a representation on 25.06.2021 to the respondents, seeking for early conclusion of the disciplinary proceedings. However, till date no action has been taken by the respondents. Therefore, the petitioner has come before this Court by way of the present Writ petition.

5. A counter affidavit has been filed by the third respondent wherein, he has stated that enquiry could not be conducted on 09.06.2021 and 28.07.2021 due to the Covid -19 lock-down and non-availability of public transport and further enquiry was fixed on 09.08.2021 and on that day the petitioner has not attended the enquiry and he has not co-operated with the authority concerned, while on the other hand, he has filed the present writ petition for early disposal of the enquiry proceedings.

6. Considering the submissions made by the learned counsel on either side, this Court is inclined to direct to writ petitioner to co-operate with the enquiry proceedings subjecting himself to appear before the enquiry officer as and when it is posted for enquiry. If the petitioner fails co-operate with the enquiry, the respondents shall proceed with the enquiry and conclude the said proceedings within a period of four weeks from the date of receipt of a copy of this order by following the procedure as contemplated under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.



7. In view of the above, the writ petition stands disposed of.
No costs.

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Sd/-

Assistant Registrar (CS I)

/ /2021

Sub Assistant Registrar (CS)

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To

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Chennai.

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O/o. the Chief Conservator of Forest,
Dindigul.

3.The District Forest Officer,
Kodaikanal,
Dindigul District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-26581[F] dated 17/08/2021)

+1 CC to M/s.SPL GP (SR-26634[F] dated 18/08/2021)

W.P.(MD) No.13860 of 2021
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PS (CO)
SB(25.08.2021) 3P 6C