



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD) No.1056 of 2020

and C.M.P (MD) No.5792 of 2020

1.The Chief Conservator of Forests,
1, Jennis Road, Panagal Salai,
Saidapet, Chennai.

2.The Conservator of Forests,
Madurai Division,
Madurai.

: Appellants/Respondent

Vs.

K.Rajendran

: Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order, dated 07.01.2020 made in W.P. (MD) No.7477 of 2011.

Prayer in WP(MD). 7477 of 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings Se.Mu.Order.No.Aa.Aa1/38965/2010 dated 25-05-2011 confirming the order of punishment passed by the 2nd Respondent in his proceedings in Se.Mu.Order.No.Aa2/2063/08 dated 19-02-2008 and quash the same as illegal.

For Appellants : Mrs.J.Padmavathi Devi
Special Government Pleader

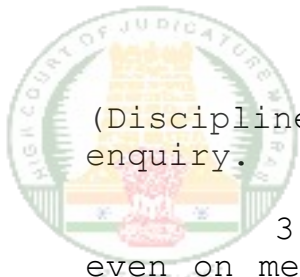
For Respondent : Mr.Mohamed Imran
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This writ appeal has been preferred against the order of the learned Single Judge, who allowed the writ petition filed on the ground that no enquiry was conducted.

2. The learned Special Government Pleader appearing for the appellants submitted that the learned Single Judge was wrong in holding that no enquiry was conducted, as the proceedings were initiated under Rule 17a of the Tamil Nadu Civil Services



(Discipline and Appeal) Rules and therefore, there is no need for enquiry.

3.The learned counsel for the respondent submitted that even on merits, no case has been made out and the respondent is 71 years old.

4.The learned Single Judge found that the contentions raised by the respondent has not been looked into, the appeal was also disposed of in a cryptic manner. Though the learned Special government Pleader is right in saying that while invoking Rule 17a of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, there is no need for an enquiry, it appears that the appellate authority has not considered the grounds raised by the respondent and the reply given by him. The Notice was issued after a period of one year, after he was relieved. It is also not as if the respondent has not contended deliberate act. The disciplinary authority put the onus on the respondent, notwithstanding the settled position of law that in the departmental proceedings, it is for the department to prove the charge. Thus, at this point of time, we do not want to interfere with the final conclusion arrived at by the learned Single Judge, particularly, when the respondent has attained the age of superannuation way back in the year 2009.

5.Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Chief Conservator of Forests,
1, Jennis Road, Panagal Salai, Saidapet, Chennai.

2.The Conservator of Forests,
Madurai Division, Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-14687[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14836[F] dated 31/03/2021)

W.A. (MD) No.1056 of 2020
30.03.2021

SSS(CO)

TR(24.04.2021) 2P 5C

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