



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.8428 of 2016

P.Sheik Mohideen

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary,
Environment and Forest Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai-600 015.

3.The Deputy Director,
Project Tiger,
Ambasamudram,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned recovery order passed by the first respondent in G.O.(D) No.160, dated 29.07.2015 which was served on the petitioner on 14.11.2015, quash the same and consequently direct the respondents to return the entire amount of Rs.4,14,482/- with interest at the rate of 12% per annum.

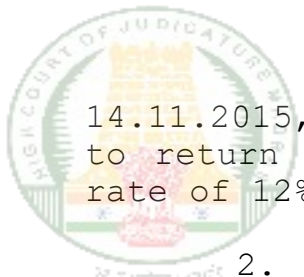
For Petitioner : Mr.M.Siddharthan

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

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ORDER

The Writ Petition is filed seeking for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned recovery order passed by the first respondent in G.O.(D) No.160, dated 29.07.2015 which was served on the petitioner on



14.11.2015, quash the same and consequently direct the respondents to return the entire amount of Rs.4,14,482/- with interest at the rate of 12% per annum.

2. The case of the petitioner is that the petitioner was appointed as Forester in the year 1990 and was promoted as Forest Range Officer in the year 2004 and his services in the above department are sincere, meritorious and unblemished. While he was discharging his duties to the entire satisfaction of his superiors, he was issued with a charge memo, dated 31.08.2013, under Rule 17(a) of the Tamil Nadu Disciplinary and Appeal Service Rules, vide the proceedings of the third respondent, dated 31.08.2007, fixing the loss to the Government in the matter of Forest Development Agency in the raising of seedling and plantation and the above charge was withdrawn on the same day without any reason. Thereafter, another charge memo, under Rule 17(b) of the Tamil Nadu Disciplinary and Appeal Service Rules, was issued by the third respondent, vide proceedings dated 28.09.2007 and subsequently, a third charge memo was issued against the petitioner by the third respondent, vide proceedings dated 06.04.2009. After conducting enquiry, the impugned order has been passed to recover the alleged loss caused to the Government. Thereafter, the petitioner preferred an appeal before the first respondent and passed the impugned order in G.O.(D) No.160, dated 29.07.2015 to recover the said loss caused to the Department by the petitioner. Challenging the same, the present Writ Petition is filed.

3. Learned Counsel appearing for the petitioner would submit that though so many grounds raised in this writ petition, it would suffice if permission is granted to the petitioner to prefer a revision before the Government within a prescribed time by this Court.

4. Learned Additional Government Pleader appearing for the respondents has no serious objection for granting such relief.

5. Considering the facts and circumstances of the case, though the original authority and the appellate authority arrived at a conclusion against the petitioner that there was loss caused by the petitioner to the Government to the tune of Rs.5,30,030/-, being the Constitutional Authority, this Court cannot decide the issue by appreciating the evidences once again. However, considering the limited request made by the learned Counsel appearing for the petitioner, without interfering with the impugned order passed in the writ petition, liberty is granted to the petitioner to file a revision petition before the Government, if any provision is available and if any revision is filed before the revisional authority, the revisional authority shall consider the same and pass appropriate orders as expeditiously as possible.



6. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
Environment and Forest Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai-600 015.
- 3.The Deputy Director,
Project Tiger,
Ambasamudram, Tirunelveli District.

+1 CC to SPL GP (SR-6141[F] dated 19/02/2021)

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VB (02.03.2021) 3P 5C