



WEB COPY

W.P.No.22041 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22041 of 2016
and
W.M.P.No.18842 of 2016

A.U.Eshwaramoorthy

...Petitioner

Vs.

1. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai-600 015.

2. The Conservator of Forests,
Salem Circle, Salem-7.

3. The Divisional Forest Officer,
Interface Forestry Division, Salem-7.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for records relating to the order of the 2nd respondent made in Se.Mu.A.No. 3778/2011-2 Pa3 dated 18.02.2013 and that of the first respondent in Se.Mu.Order No.Aa.Aa.2/17982/2013-2 dated 15.12.2015, to quash the same and to consequently direct the respondents to extend all benefits both service and monetary including appropriate fixation in pension.



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For Petitioner : Ms.L.Chandra Kumar
For Respondents : Mr.K.H.Ravi Kumar
Government Advocate

ORDER

The order of punishment of recovery issued in proceeding dated 18.02.2013 and 15.12.2015 are sought to be quashed in the present writ petition.

2. The petitioner is a retired Ranger and while he was in service, a charge memorandum was issued under Rule 17(b) of the Tamil Nadu Civil Service, Discipline and Appeal Rules, on 07.01.2011. The said charge issued under Rule 17(b) was converted as charge under Rule 17(a) and the petitioner submitted his explanations regarding the allegations set out in the charges. The authorities considered the explanation and passed an order in proceeding dated 18.02.2013, imposing the recovery of Rs.1,29,360/- on the writ petitioner. The petitioner has preferred an appeal to the Principal Chief Conservator of Forests on 12.11.2013 and the same was rejected by the Appellate Authority vide proceeding dated 15.12.2015. Thus, the petitioner is constrained to move the present writ petition.



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3. The learned counsel for the petitioner mainly contended that the ratio of 40%, fixed on the writ petitioner is in violation of the government order issued in G.O.Ms.No.92 Environment and Forest Department dated 09.03.1991, therefore, the ratio is to be reconsidered by the authorities with reference to the government order. As per the petitioner, he is liable to pay 25% of the financial loss assessed by the competent authorities. However, through impugned order, the authorities have recovered 40% from the petitioner, which is contrary to the guidelines issued by the Government to recover the financial losses occurred to the State Exchequer.

4. The learned Government Advocate appearing on behalf of the respondents objected the said contentions by stating that the recovery of a sum of Rs.1,29,360/- was imposed as per the government orders and by assessing the total amount of financial loss caused to the Government. Thus, there is no infirmity.

5. This Court is of the considered opinion that the petitioner is liable to make up the financial loss caused to the Department, on account of the lapses



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committed by him which was established during the scrutinisation of the allegations raised against the writ petitioner. However, while imposing recovery, the authorities competent are bound to follow the Government guidelines, more specifically in the matter of fixing liability. Thus, the respondents are directed to verify the correctness of the liability fixed on the writ petitioner with reference to G.O.Ms.No.92 Environment and Forest Department dated 09.03.1991 and take a decision and pass appropriate orders as expeditiously as possible.

6. With these directions this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM, J.

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