



W.P.No.5561 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5561 of 2014

and

M.P.No.1 of 2014

R.Jothimani

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Environment & Forests Department,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai - 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the second respondent's order made in order No.T2/3313/05 dated 27.01.2012 as confirmed by the appellate authority, the first respondent in G.O.(D) No.299 dated 03.09.2013, to quash the same and consequently direct the respondents to extend all benefits both monetary and revised pensionary benefits accrued thereon.



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For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader for the respondents.

2. The charge against the petitioner herein was that, while employed under the respondent department, he had acquired properties without prior permission of the department between 01.01.2002 and 30.06.2003. On the basis of the proven charges, he was imposed with a punishment, bringing his pay scale to the bottom scale for 3 months without cumulative effect, through an order dated 27.01.2012. The appeal against the order of punishment was rejected on 03.09.2013. Challenging these orders, the present Writ Petition has been filed.

3. While the learned counsel for the petitioner submitted that though the petitioner had produced 6 witnesses and marked documents, the same was



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not properly appreciated by the Tribunal, the learned Additional Government

Pleader placed reliance on the averments in the counter affidavit and submitted that the prosecution witnesses and the documentary evidences were well considered by the Tribunal and it had come to the final decision. The Government had also sought for the Tamil Nadu Public Service Commission's opinion before imposing the penalty.

4. A perusal of the impugned order of punishment would reveal that the Tribunal had taken into account the evidences before it, for the purpose of dealing with the charges. On an appraisal of these evidences, it had concluded that the value of disproportionate wealth was Rs.4,37,653/- instead of Rs.6,59,653/-, as per the charges. This apart, the Government had also taken the views of the Tamil Nadu Public Service Commission before imposing the final punishment. There are no procedural irregularities in the proceedings conducted by the Tribunal also. While that being so, this Court, exercising its power under Article 226 of the Constitution of India, may not be justified in re-appreciating the evidences before the Tribunal.



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5. The punishment imposed by the disciplinary authority is reducing the pay scale of the petitioner to the bottom scale for 3 months without cumulative effect, which will not affect his pensionary benefits. The petitioner has also reached his age of superannuation and had received all the pensionary benefits. Thus, the punishment may not directly affect the quantum of the pensionary benefits, for which the petitioner would be entitled.

6. In view of the above findings, I do not find any infirmity in the impugned order of punishment, as well as the order-in-appeal. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
hvk



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- To
- 1.The Secretary,
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 - 2.The Principal Chief Conservator of Forests,
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M.S.RAMESH,J.

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