



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6860 of 2014
and M.P.No.1 of 2014

S.Palanisamy

... Petitioner

Vs.

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

2.The Principal Chief Conservator of Forests
(Head of Forests Force)
Panagal Building, Chennai - 600 015.

3.The Conservator of Forest
Salem Circle, Salem.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in proceedings No.V/42870/2011-11 dated 09.10.2013 and quash the same and consequently, direct the respondents to allow the petitioner to retire from service with consequential and other attendant pensionary benefits.

For Petitioner :Mr.G.Sankaran

For Respondents:Mrs.S.Anitha
Special Government Pleader

O R D E R

The order of removal from service issued in proceedings dated 09.10.2013 is under challenge in the present writ petition. The writ petitioner was appointed as Forester on 17.06.1981. He was promoted to the post of Forest Ranger Officer on 13.09.2006. On reaching the age of superannuation on 30.11.2012, the petitioner was not allowed to retire from



service on account of the pendency of the criminal case (Vatchati Case) against him. The petitioner was also an accused and the criminal case ended with an order of conviction. Thus, the respondents issued a show cause notice in March, 2013 under Rule 17 (c) (i) (1) of Tamil Nadu Civil Services (Discipline and Appeal) Rules as to why the petitioner should not be dismissed from service in view of the conviction by the competent criminal Court in a popularly known case i.e. Vatchati Case.

2. The learned counsel for the petitioner made a submission that an appeal has been preferred, which is pending before the High Court. However, the order of dismissal from service was issued based on the conviction and there is no infirmity as such. As of now, the writ petitioner's conviction stands and mere pendency of the appeal cannot be a ground to revoke the order of dismissal from service. This being the factum established, there is no infirmity as such in respect of the punishment of dismissal from service issued by the respondents based on the conviction issued by the competent criminal Court of law.

3. With this observation, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

sms/sli

To

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Environment and Forest Department
Secretariat, Fort St. George
Chennai - 600 009.
2. The Principal Chief Conservator of Forests
(Head of Forests Force)
Panagal Building, Chennai - 600 015.
3. The Conservator of Forest
Salem Circle, Salem.



+1cc to Mr.G.Sankaran, Advocate SR.No.34340

+1cc to Special Government Pleader (Forest) SR.No.34136

+1cc to Government Pleader SR.No.34494

W.P.No.6860 of 2014
and M.P.No.1 of 2014

PL (CO)
GMY (20/06/2022)