



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.11786 of 2021

and

W.M.P (MD) No.9257 of 2021

WEB COPY

T.Balamurugan

... Petitioner

Vs

1.The District Forest Officer and Wild Life Warden,
Kanniyakumari Division,
Nagercoil.

2.The Conservator of Forests,
Tirunelveli Circle,
Tirunelveli.

3.The Forestry Extension Officer /
Enquiry Officer,
District Forest Office,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the impugned charge memo proceedings issued by the first respondent in his proceedings Memo No.P2/9859/2019, dated 13.01.2020 and the consequential order of enquiry notice issued by the third respondent in his proceedings Na.Ka.No.P1/303/2020, dated 01.07.2020 issued to the petitioner on 06.07.2021 as far as the petitioner is concerned and quash the same.

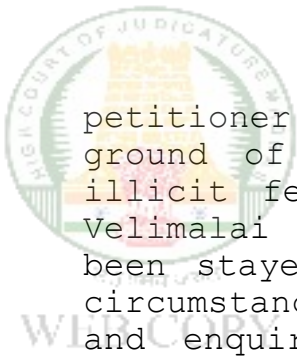
For Petitioner : Mr.D.Venkatesh, Advocate

For Respondents : Mr.G.V.Vairam Santhosh
Government Pleader

ORDER

This writ petition is filed challenging the charge memo dated 13.01.2020 and the consequential enquiry notice dated 01.07.2020 issued on the petitioner.

2.The learned Counsel for the petitioner submits that the petitioner is a Forester, presently working in Karivalamvanthanallur Section, Sankarankoil Range of Tirunelveli Social Forest Division. Earlier the petitioner had worked as Forester in Surulode, Velimalai Range, Kanniyakumari Division from 27.03.2017 to 02.01.2018 and while so, the petitioner was sent to Vaigai Dam for a Special Training for Foresters from 02.01.2018 to 30.06.2018. Before attending the training programme, the petitioner has handed over the charge to another officer. After completion of the training the petitioner was posted at a different place. At this juncture, the



petitioner has been placed under suspension on 05.10.2019, on the ground of dereliction of duty that he is responsible for huge illicit felling of trees during his tenure in Surulode Section, Velimalai Range in Kanyakumari Division. The suspension order has been stayed by this Court in W.P(MD)No.23725 of 2019. Under such circumstances, the respondents have issued charge memo on 13.01.2020 and enquiry notice on 14.07.2021. Therefore, the petitioner is before this Court.

3.The grievance of the petitioner is that during the alleged period of illicit felling of trees, the petitioner was not working in the particular place.

4.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is responsible for the illegal cutting of trees and therefore, the respondents issued charge memo, subsequently enquiry officer has also been appointed.

5.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

6.The petitioner has been issued with charge memo on the ground of dereliction of duty that he is responsible for the cutting of trees illegally. Enquiry officer is appointed and the petitioner has also been directed to appear for the enquiry. However, the petitioner denies the charges that he was not at all working in the said place during the particular period.

7.In view of the above, the writ petition is disposed of on the following terms:

(i) The first respondent shall direct the third respondent to conclude the enquiry and submit a report within a period of twelve weeks from the date of receipt of a copy of this order;

(ii) The first respondent upon receipt of the report from the third respondent shall take a decision within a period of four weeks thereon; and

(iii) The petitioner is at liberty to raise all the grounds in his support before the enquiry officer and shall co-operate with the enquiry. No costs. Consequently, connected miscellaneous petition is closed.

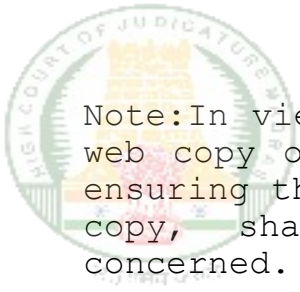
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

WEB COPY

- To
1. The District Forest Officer and Wild Life Warden,
Kanniyakumari Division,
Nagercoil.
 2. The Conservator of Forests,
Tirunelveli Circle,
Tirunelveli.
 3. The Forestry Extension Officer /
Enquiry Officer,
District Forest Office,
Tuticorin.

+1 CC to M/s.SPL GP (SR-1321[F] dated 11/01/2022)

W.P (MD) No.11786 of 2021
10.01.2022

RS (18.02.2022) 3P-5C