



WP(MD)No.1708 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.1708 of 2019

Muthukumar

... Petitioner

/vs./

1.The Secretary to Government of Tamil Nadu,
Environment & Forest Department,
Chennai – 600 009.

2.The Principal Chief Conservator of Forest,
No.1, Geenis Salai,
Panagal Building,
Chennai – 600 015.

3.The Director,
Directorate of Vigilance & Anti Corruption (DVAC),
No.293, M.K.N.Road,
Aalanthur,
Chennai – 600 016.

4.D.Sampath,
The District Forest Officer,
Tuticorin District.

5.A.V.Tharsis,
Forest Ranger (Retired),
No.441, 9th Middle Street,
Thiyagaraja Nagar,
Thirunelveli – 11.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to take appropriate disciplinary and criminal proceedings against the 4th and 5th respondents by considering the representation given by the petitioner dated 26/12/2018 & 07/01/2019 and as per the direction of the 3rd respondent in his proceedings in Petn.No.117/2019/FOR/TI dated 10/01/2019, within the time stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader (for R1 to R3)

Mr.A.Balakrishnan

For M/s.K.P.Narayana Kumar (for R4 & R5)

ORDER

Alleging certain irregularities in transfer of unused funds in connection with the tender, the petitioner seems to have given a complaint against the respondents 4 and 5 for initiating departmental and criminal proceedings against them.

2.Admittedly, the fifth respondent herein is a retired Forest Ranger. Under the Service Regulations, no departmental proceedings can be initiated against the



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retired employees for the alleged procedural irregularities and as such, the prayer against the fifth respondent in this regard cannot be sustained.

3.Insofar as the initiation of criminal proceedings against the respondents 4 and 5 is concerned, the official respondents herein have filed counter affidavit, in which it is stated that the allegations against the respondents 4 and 5 were enquired into and on such enquiry, it was found that the transfer of the unused funds allotted to the tender work was made to Pappankulam Village Forest Committee Accounts, which is a proper and legal transfer and therefore, the allegation in this regard is false. Since the complaint made by the petitioner has already been enquired into and closed, the prayer sought for in the present writ petition seeking for action on his representation cannot be sustained. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

02.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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