



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)No.8832 of 2015**

**and**

**M.P.(MD)No.1 of 2015**

N. Subbulakshmi

... Petitioner

vs.

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

2.Regional Conservator of Forest,  
Tirunelveli Circle, NGO 'B' Colony,  
Tirunelveli.

3.The District Forest Officer,  
Kanyakumari District,  
Vadaseri, Nagercoil.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order of the third respondent, vide Proceeding No.P2/5556/2014-2, dated 20.05.2015 and to quash the same.

For Petitioner : Mr.R.Chandrasekar

For Respondents : Mr.P.Thambi Durai

Government Advocate (Civil side)

**O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorari, to quash the impugned order of the third respondent, vide Proceedings No.P2/5556/2014-2, dated 20.05.2015.

2.The petitioner was appointed as Social Forest Worker as early as 01.04.1982 and promoted as Reserve Forest Watcher, subsequently promoted as Forest Guard on 27.02.2012. On 05.06.2014, the petitioner was placed under suspension under Rule 17 sub rule (e) of Tamil Nadu Civil Services (Discipline and Appeal) Rules for alleged grave charges. On 03.07.2014, a charge memo was issued. The charge memo states that an audit was conducted by Assistant Conservator of Forest in the Boothapandi Range, Aralvaimozhi Beat, Poigai and Kottaikarai North areas, where hundreds of trees have been illegally cut down and the petitioner has not prevented the



felling of these trees, the other charges are that the petitioner has not informed the illegal cutting of trees to the higher officials and that the petitioner has taken bribe of Rs.15,000/- from one Kannan, son of Isakkiappan and allowed him to remove the felled trees from the forest range. The petitioner has submitted an explanation along with relevant documents.

3.The contention of the petitioner that Kottaikarai and the Reserve Line areas are not coming under jurisdiction of the Forest Ranger allotted to the petitioner. The petitioner has also explained in the explanation that during the relevant period, the petitioner was directed to participate in the planting of saplings of about 66 lakhs in number in view of the Chief Minister's 66<sup>th</sup> birthday. The petitioner has specifically denied the third charge of bribe. The respondents have conducted the enquiry and in the enquiry the petitioner has sought 11 documents but the same was not produced to the petitioner. The Enquiry Officer completed the enquiry after providing reasonable opportunity to the petitioner. The contention of the petitioner is that the prosecution witnesses were examined in the petitioner's absence and the petitioner was not allowed to cross examine the prosecution witness. On receipt of the enquiry report, dated 07.04.2015, the third respondent passed the impugned order imposing major punishment of reduction in rank in a period of 3 years with cumulative effect and has directed to recover the sum of Rs.14,000/- from the petitioner's salary towards the loan. The petitioner has not preferred any appeal, since the petitioner is questioning the jurisdiction of the third respondent as well as there is violation of principles of natural justice.

4. The respondents relied on the impugned order and submitted their arguments.

5. Heard Mr.R.Chandrasekar, learned Counsel appearing for the petitioner and Mr.P.Thambi Durai, learned Government Advocate appearing for the respondents.

6. The contention of the petitioner is that the petitioner is working as Forest Guard and the area allotted in Poigai area. She was not allotted Kottaikarai North area. The charge memo states that the woods were cut from the trees which are standing in the Kottaikarai area and the charge memo also consists of the list of trees. While perusing the list of trees in the heading it is stated as கன்னியாகுமரி வனக்கோட்டம், பூதப்பாண்டி வனச்சரகம், ஆரல்வாய்மொழி வடக்கு பக்கம் உட்பட்ட கோட்டகரை (R.L) பகுதியில் வெட்டப்பட்ட வெட்டு மோட்டு பட்டியல் பின்வருமாறு. In the list, it has been stated that all these trees



belong to Kottaikarai Reserve Line area. When the petitioner has taken a specific stand that she has not been allotted to Kottaikarai area and has been allotted in the Poigai area, then, the basis of the charge memo itself is on wrong facts.

7. The next allegation is that the petitioner has not intimated the felling of trees to the higher authorities. The petitioner submitted that the Kottaikarai area was not allotted to her, the incident alleged was not within her jurisdiction and therefore the question of informing higher authorities has not arisen. Moreover, the petitioner was allotted an additional work of planting the 66 lakhs saplings for the 66<sup>th</sup> birthday of the Chief Minister and since she was involved in the said work and hence, she could not intimate the felling of trees. This Court is of the considered opinion that if the incident happened in Poigai area and then the petitioner may be blamed. Since the felling of trees was not happened in Poigai area the allegation that the petitioner has not informed the same to the higher authorities is erroneous.

8. The next charge against the petitioner is that she has received bribe from one Kannan son of Isakkiappan. The contention of the petitioner is that the said Kannan has deposed before the enquiry authority which has been indicated as one of the documents along with a charge memo, but the said document was not served to the petitioner. The respondents have not produced the other documents for the petitioner's perusal. The petitioner was not allowed to cross examine the complainant. In fact, the petitioner was kept under dark, only with the allegation that she has received bribe. Whenever a charge of bribe is alleged on the employee, the employee should be granted sufficient opportunity to prove herself, especially cross examine the witness. In this present case, the respondents have not acted in accordance with law. Moreover, for any bribe charges, immediately a criminal proceedings ought to be initiated. In this present case, there is no such criminal proceedings. All these would prove that the charges are not effectively proved by the respondents. Hence, the punishment of reduction from Forest Guard to Forest Watcher with a salary of 4800-10000+ Grade Pay Rs.1650/- for 3 years with cumulative effect including leave period is on the higher side. Moreover, the recovery cannot be made from the petitioner since the said area is not within the jurisdiction of the petitioner.

9. Therefore, this Court is quashing the impugned order. It is submitted by the learned Counsel appearing for the petitioner that the petitioner has already attained superannuation. Therefore the respondents are directed to implement this order and disburse



the consequential terminal benefits to the petitioner and the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order.

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10. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Tmg

**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.

To

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

2. Regional Conservator of Forest,  
Tirunelveli Circle, NGO 'B' Colony,  
Tirunelveli.

3. The District Forest Officer,  
Kanyakumari District,  
Vadaseri, Nagercoil.

+1 CC to M/s.N.SATHEESHKUMAR, Advocate ( SR-10630[F] dated 08/03/2022 )

+1 CC to M/s.SPL GP ( SR-10617[F] dated 08/03/2022 )

W.P. (MD) No. 8832 of 2015

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MGJ(24.03.2022) 4P 6C