



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.20837 of 2018

and

W.M.P. (MD) .No.18621 of 2018

WEB COPY

M.Nainar Mohammed

... Petitioner

vs.

1.The State of Tamil Nadu

represented by the Principal Secretary to Government,
Environment and Forests (FR -I) Department,
Secretariat,
Chennai -9.

2.The Principal Chief Conservator of Forests,
No.15, jeenis Road,
Saidapet,
Chennai -15.

3.The Managing Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road,
Mallachipuram,
Kambarasampettai,
Trichy 620 101.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the third respondent in connection with the impugned charge memo issued by him dated 04.09.2018 and quash the same as illegal.

For Petitioner	: Mr.D.Selvanayagam
For Respondents	: Mr.A.K.Manikkam Special Government Pleader

O R D E R

Heard Mr.D.Selvanayagam, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.

2. The petitioner challenges a charge sheet dated 04.09.2018. He draws attention to an order passed by the learned Single Judge on 24.05.2017, whereunder an order of suspension and an earlier charge memo had come to be quashed by this Court. That order has however been reversed in writ appeals filed by the State in W.A.(MD).Nos.188 to 190 of 2019 on 09.08.2019.



3. The operative portion of the order is extracted as follows:

"11. Accordingly, the W.A.(MD).Nos.189 and 190 of 2019 are allowed and the order passed by the Writ Court in W.P.(MD).Nos.21429 and 21430 of 2016 are set aside. It is made clear that though the order of suspension and order of retention of service were passed based on the pendency of the departmental proceedings, in view of our observations made supra, those two orders shall be treated as the orders passed on the reason of pendency of the criminal prosecution against the petitioner. Needless to say that the petitioner is at liberty to work out his remedy after the disposal of the criminal case accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed."

4. Thus, it is clear that the aforesaid orders of suspension and earlier charge sheet drawn await finalisation.

5. That apart, in a counter filed by the third respondent ie., the Managing Director of the Tamil Nadu Forest Plantation Corporation Limited, he would state that pending criminal case in S.C.C.No.5 of 2016 before the Special Judge, Sivagangai, under the Prevention of Corruption Act, 1988, the impugned charge sheet dated 04.09.2018 has also been deferred as stated below:

"b. The Principal Chief Conservator of Forests (HOD), Chennai vide Ref.No.T1/31817/2016, dated 29.10.2019 have issued orders that further action on the Charge Sheet No.01/2018, dated 04.09.2018 (Ref.No.846/2018/E1) issued to Thiru M.Nainar Mohamed, Deputy Conservator of Forests (Under Suspension) by the Managing Director, TAFCORN, Trichy under Rule 17(b) of Tamil Nadu Civil Services (Classification, Control and Appeal) Rules is deferred. On receipt of Court orders from the Special Court for the cases under Prevention of Corruption Act (Spl.C.C.No.05/2016), further action will be continued based on the Court orders"

6. Recording the aforesaid, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

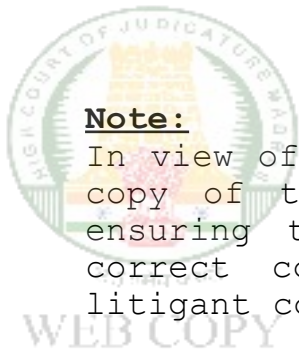
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.The Principal Secretary to Government,
State of Tamil Nadu,
Environment and Forests (FR -I) Department,
Secretariat, Chennai -9.
- 2.The Principal Chief Conservator of Forests,
No.15, jeenis Road,
Saidapet,
Chennai -15.
- 3.The Managing Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road, Mallachipuram,
Kambarasampettai,
Trichy 620 101.

+1 CC to M/s.SPL.GP (SR-3676[F] dated 02/02/2022)

W.P. (MD) No.20837 of 2018
31.01.2022

RK(10/02/2022) 3P 5C