



W.P.(MD)No.28802 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28802 of 2022

and

W.M.P.(MD)No.22777 of 2022

T.Balamurugan

... Petitioner

Vs.

1. The District Forest Officer,
Social Forestry and Extension Division,
Tirunelveli.
2. The Environmental Development Officer /
Enquiry Officer,
Kalakkad Mundanthurai Tiger Sanctuary,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned Charge Memo proceedings issued by the 1st Respondent in his proceedings in Memo No.3868/2020-Pa2 dated 18.04.2022 and the consequential order of Enquiry Notice issued by the 2nd Respondent in his proceedings in Na.Ka.No.1212/2022, dated 05.12.2022 and quash the same.



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For Petitioner : Mr.N.Sankar Ganesh
For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

This writ petition has been filed challenging the impugned charge memo issued by the first respondent dated 18.04.2022 and the consequential order of enquiry notice issued by the 2nd respondent dated 05.12.2022 and to quash the same.

2. The case of the petitioner is that he was working as Forester in Ponnakkudi Division. While so, on 11.12.2020, the respondent has issued an order of suspension on the ground of dereliction of duty. Challenging the same, the petitioner has filed a writ petition in W.P.(MD).No.3411 of 2021. This Court, by order dated 23.02.2021 in W.M.P.(MD).No.2768 of 2021, stayed the order of suspension and subsequently, the writ petition was closed on 12.01.2022. Therefore, the petitioner was posted to the current position in Aralvaimolzhi Section. The first respondent has issued a charge



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memo against the petitioner on 18.04.2022, drawing six charges for the illicit felling of Babul trees in Vijayarangaperi Tank, Sivagangai District. The petitioner has submitted his detailed reply on 13.10.2022. However, without passing any orders, the first respondent has appointed the second respondent as an enquiry officer to conduct enquiry for the charge memo drawn against the petitioner under Section 17(b) of the Tamil Nadu Civil Services (DA) Rules and the second respondent now issued a notice for enquiry vide order dated 05.12.2022, by fixing the enquiry on 21.12.2022. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that immediately after issuing the charge memo, the petitioner has sent a detailed reply to the first respondent. However, the first respondent without considering the reply filed by the petitioner, hurriedly appointed the enquiry officer to conclude the disciplinary proceedings, which is impermissible. Hence, he prayed for allowing this writ petition.



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4. The learned Government Advocate appearing for the respondents would submit that no disciplinary proceedings concluded as on date and after receipt of explanation from the petitioner, they have not satisfied with the same and hence, the disciplinary authority appointed the enquiry officer to conduct the disciplinary proceedings, in the manner known to law. Hence, he prayed for dismissal of the writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

6. On perusal of the impugned proceedings, it appears that it is only a charge memo against the petitioner and no disciplinary proceedings concluded as on date and since the explanation given by the petitioner has not been satisfied, the disciplinary authority appointed the enquiry officer to conduct the disciplinary proceedings. Hence, this writ petition is not maintainable in respect of the charge memo and the appointment of enquiry officer and the same is dismissed and the enquiry officer is directed to conclude the disciplinary proceedings, after providing opportunity to the



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petitioner and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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