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W.P.No.5433 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5433 of 2023
and W.M.P.No.5452 of 2023

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... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai - 9.

2.The Principal Chief Conservator of Forests,
Forest Head Quarters Building,
Near Kannikapuram Check Post
Guindy-Velacherry Main Road,
Guindy,
Chennai-32.

3.Vigilance Officer,
Vigilance Office,
Arasu Rubber Corporation,
Vadasery, Nagercoil City,
Kanniyakumari District - 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondents



W.P.No.5433 of 2023

from in any way implementing/enforcing the order of punishment imposed by the second respondent made in S.O.No.BB2/53830/2018 dated 13.10.2022 during the pendency of appeal pending before the first respondent.

For Petitioner : M/s.Selvi George

For Respondents : Mr.R.V. Dinesh Kumar,
Additional Government Pleader

ORDER

Mr.R.V. Dinesh Kumar, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner was subjected to disciplinary proceedings, based on which, the second respondent herein, had imposed a punishment of recovery of a sum of Rs.54,94,484/- through an order dated 13.10.2022. As against the same, the petitioner has preferred an appeal on 27.01.2023 before the first respondent herein, which is said to be pending. Since the petitioner apprehends that the penalty imposed by the Disciplinary Authority through its original punishment order dated 13.10.2022 may be recovered pending the appeal, the present Writ Petition has been filed.



W.P.No.5433 of 2023

WEB COPY

3. The very purpose of filing an appeal, is challenging the validity of the original punishment, in case the delinquent is of the view that the punishment order is of any illegality or irregularity. While the appeal is pending, if the Disciplinary Authority is permitted to recover the amount and subsequently, if the delinquent succeeds in the appeal, a serious prejudice will be caused to him. On the other hand, if the first respondent herein, is directed to expedite the appeal proceedings and take a final decision, within a stipulated time, with a consequential direction to hold any recovery proceedings pursuant to the original punishment, the ends of justice could be secured.

4. Accordingly, there shall be a direction to the first respondent herein, to dispose of the appeal, within a period of three (3) months from the date of receipt of a copy of this order. Till such time, there shall not be any recovery proceedings pursuant to the order of original punishment dated 13.10.2022 issued by the second respondent herein.



W.P.No.5433 of 2023

M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

23.02.2023

Speaking/Non-speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 9.
- 2.The Principal Chief Conservator of Forests,
Forest Head Quarters Building,
Near Kannikapuram Check Post
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W.P.No.5433 of 2023