



WP.No.19389/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.19389/2016 & WMP.No.16811/2016

B.Balasubramanian

... Petitioner

Versus

1.The District Forest Officer
Perambalur Forest Division
Perambalur.

2.The Principal Chief Conservative Officer
Perambalur.

3.The Chief Conservative Officer
Perambalur.

4.The Forest Range Officer
Thuraimangalam, Perambalur.

5.The Principal Chief Conservator of Forests
Panagal Maligai, No.1, Jeenis Salai
Saidapet, Chennai 600 015.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the impugned notice in Letter No.394/2012/Pa dated



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13.05.2016 issued by the 1st respondent herein and quash the same and consequently, direct the respondents to pass order as per direction of this Court in WP.No.19818/2014 dated 25.11.2014.

For Petitioner : Mr.M.Sriram
For Respondents : Mr.S.Ravikumar, Spl.GP

ORDER

- (1) The writ petition has been filed in the nature of certiorarified mandamus seeking interference with the notice which can be termed as a Charge Memo in Letter No.394/2012/PA dated 13.05.2016 issued by the 1st respondent, District Forest Officer, Perambalur Forest Division, Perambalur to the petitioner herein. The petitioner seeks that necessary orders may be passed in consonance with an earlier direction of this Court in WP.No.19818/2014 dated 25.11.2014.
- (2) In the affidavit filed in support of the writ petition, it had been stated that the petitioner had joined duty as Junior Assistant in the Forest Department in the year 1992. At the time of filing of the writ petition, he was working as Assistant Forest Officer,



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Thuraimangalam, Perambalur Forest Range. He had suffered a stroke by suffering Hemi Paralysis on his left side hand and leg during 2012. He was therefore, on medical leave from 20.06.2012 till 04.07.2012. He was then asked to appear before the Medical Board for getting Fitness Certificate. He appeared before the Medical Board and a Certificate was issued that he is recovering from Hemi Paralysis and therefore, he may be given a light job. He was again asked to appear before the Medical Board in the year 2013. The petitioner has then given a representation for transfer from Thuraimangalam to Sithali Forest extension. He then had to give a letter seeking voluntary retirement from service on 09.10.2013. Such voluntary retirement application was not considered by the respondents. The petitioner was then on medical leave from December 2012 till June 2013. He had then filed WP.No.19818/2014 seeking permission to retire voluntarily. An order was passed on 25.11.2014 to pass necessary orders on the said representation within a period of eight weeks. The petitioner was then issued with Transfer Order and was directed to appear before the Medical Board in the year 2015. He was then



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issued with the impugned letter which is actually a Charge Sheet under Section 17[b] of the Rules, claiming that the petitioner had not reported to the duty and had not submitted the leave applications.

- (3) Mr.S.Ravikumar, learned Special Government Pleader appearing for the respondents, had forwarded the instructions received in writing and also enclosed an order of the District Forest Officer at Perambalur, in Se.Mu.Aa.No.394/2012/Pa dated 31.03.2017 wherein, after examining all issues and all factors, particularly, the medical history of the petitioner herein and his representations, an order had been passed dropping the charges against the petitioner herein. This order is in writing and I am confident that the petitioner would also have received a copy of this order.
- (4) At any rate, as the learned Special Government Pleader very correctly pointed out that since charges have been dropped, nothing survives for adjudication in the writ petition.
- (5) This Court need not enter into a discussion as to whether the charges should be re-examined by the respondents herein. Therefore, the writ petition stands **dismissed** as the charges which have been complained



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by the petitioner, had been dropped by the respondents. No further issue arise for adjudication. No costs. Consequently, connected miscellaneous petition is closed.

17.07.2023

AP

Internet : Yes

To

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C.V.KARTHIKEYAN, J.,

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