



WEB COPY



W.P.No.20192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20192 of 2023
and W.M.P.Nos.19525 & 19526 of 2023

V.N.Nirmalkumar

... Petitioner

Versus

1. The State of Tamil Nadu
Rep by its Additional Chief Secretary
Environment, Climate Change and Forest Department
Secretariat, Chennai – 600 009

2.The Principal Chief Conservator of Forests (Head of Department)
Forest Head Quarters
Guindy, Chennai – 600 032

3.Conservator of Forests
Vellore Circle, Vellore

4.District Forest Officer
Vellore Forest Division, Vellore

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order dated 17.03.2023 passed by the 3rd respondent in Se.Mu.A.No.7081/2022/Pa2 and quash the same.

For Petitioner

: Mr.L.Mouli

For Respondents

: Mr.V.Jeevagiridharan

Additional Government Pleader

ORDER



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This writ petition has been filed challenging the stoppage of increment passed by the third respondent in Se.Mu.A.No.7081/2022/Pa2 dated 17.03.2023 and quash the same.

2. The punishment has been challenged merely on the ground of jurisdictional issue. According to the petitioner, the disciplinary authority is the fourth respondent, he only initiated the disciplinary proceedings and issued Charge Memo. However, the third respondent has passed the punishment. Hence, seeks to allow this writ petition.

3. Heard both sides and perused the materials placed on record. It is relevant to note that, in fact, when the disciplinary proceedings were pending before the fourth respondent, the writ petitioner has filed a direction petition in writ petition in W.P.No.1395 of 2023. This Court, by Order dated 23.01.2023, directed the fourth respondent to complete the enquiry and pass a final order within a period of four weeks from the date of receipt of a copy of that order. Only in pursuance to the above directions, now the third respondent has imposed the punishment. It is the contention of the learned counsel for the petitioner that he has no jurisdiction.



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4.This Court is of the view such a contention cannot be countenanced.

The third respondent is the Higher Authority, there is no legal bar for passing such punishment. In such view of the matter on the jurisdictional issue, this Writ Petition is not maintainable. However, the writ petitioner may file proper appeal before the Chief Conservator of Forest, thereafter, revision, if any available, may file before the Principal Chief Conservator of Forest/second respondent.

5.Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

02.08.2023

dhk

Internet: Yes/No

Index : Yes/No

To

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N. SATHISH KUMAR, J.



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2.The Principal Chief Conservator of Forests (Head of Department)
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