



W.P.(MD).No.17871 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17871 of 2023

S.Khaja Mohideen

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Head of Department,
Chennai – 600 015.

2.The Deputy Director,
Srivilliputhur Megamalai Tiger Reserve,
Megamalai Division,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass final orders upon the Letter No.4555/2019/0, dated 25.06.2022 issued by the second respondent within a time frame.

For Petitioner : Ms.M.Padmavathy

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to pass final orders upon Letter No.4555/2019/0, dated 25.06.2022 issued by the second respondent within a time frame.

2.By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard Ms.M.Padmavathy, learned counsel appearing for the petitioner and Mr.M.Praksah, learned Additional Government Pleader, who takes for the respondent and perused the materials available on record.

4.The petitioner joined as a Forest Guard in the Forest Department in the year 1990. He was promoted as Forester in the year 2005 and subsequently as a Forest Range Officer in the year 2013 and he retired from service on 31.10.2018 on attaining the age of superannuation. The petitioner was placed under suspension by the Conservator of Forests, Madurai Circle, Madurai by his order dated



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16.06.2017. Aggrieved by the same, the petitioner filed a Writ Petition W.P(MD)No.12167 of 2017 before this Court, in which an order of interim stay of the order of suspension was passed. Therefore, the petitioner was reinstated in service and he was discharging his duties. In the meanwhile, the petitioner was served with a charge memo under Rule 17(b) by the Wildlife Warden, Megamalai Wildlife Sanctuary, Theni on 01.11.2017 and another charge memo on the fag end of the petitioner's service by the District Forest Officer, Theni Division on 10.10.2018. The petitioner duly submitted his explanation for both the charge memos. Since the petitioner was reinstated in service, he withdrew the Writ Petition on 23.10.2018, which was pending before this Court. Pending final orders on the disciplinary proceedings subject to the outcome of the writ petition, he was allowed to retire from service by the proceedings of the first respondent on 31.10.2018. The petitioner was imposed with a punishment of withholding of pension of Rs.1,000/ per month for a period of three years by an order dated 19.12.2019 upon the charge memo, dated 01.11.2017. He was also imposed with a punishment of withholding of Rs.31,035/- from the gratuity and Rs.1,000/- per month from the pension for a period of one year by an order dated 27.11.2019 upon the charge memo, dated 10.10.2018. Even after the



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finalization of the disciplinary proceedings, there was still a delay in the disbursement of his pensionary benefits. Hence, he made a representation to the respondents and that was of no avail.

5.In the meantime, the petitioner was issued with a charge memo under Rule 9(2) (b) (1) of the Tamil Nadu Pension Rules, 1978, on 25.06.2022 by the second respondent for an allegation specifying the period from 27.04.2015 to 16.04.2017 and the same was served on the petitioner on 28.06.2022. The charge memo was issued by the second respondent in violation of the Tamil Nadu Pension Rules, 1978. Rule 9(2) (b) (i) of the Tamil Nadu Pension Rules, 1978, which clearly mandates that no departmental proceedings shall be initiated for any event which took place more than four years before such institution and in this case, this second charge memo was issued with respect to an event which took place before four years from the institution. Hence, the petitioner rightly sought for setting aside the charge memo issued against the petitioner. By all means, the petitioner submitted his explanation to the said charge memo with all relevant documents to prove that the petitioner was not guilty. In the meanwhile, the respondents appointed two enquiry officers, one after another. After conducting the proper enquiry, the enquiry officer held that all three



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allegations as not proved. Thereafter, the second respondent issued a show cause notice dated 19.01.2023 upon the enquiry report dated 09.01.2023, for which also, the petitioner promptly submitted his explanation on 30.01.2023 to relieve him from the charges and disburse his pensionary benefits. The respondents did not pass any order till date, even after a passage of six months, after the submission of his explanation to the said enquiry report. Hence, this Writ Petition came to be filed.

6.Considering the facts and circumstances of the case and also observing that the respondents are bound to complete the disciplinary proceedings within a reasonable time in the cases of retired Government servants are concerned and taking note of the fact that the petitioner was not even disbursed with the pensionary benefits, this Court directs the first respondent to pass final orders upon the letter dated 25.06.2023 issued by the second respondent, within a period of ten weeks from the date of receipt of a copy of this order.



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7.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

25.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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L.VICTORIA GOWRI, J.

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