



W.P.No.15614 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.15614 of 2015

C.Jayaraman

... Petitioner

Vs.

1.The State of Tamilnadu

Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forest,

Panagal Building,
Saidapet,
Chennai-15.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.(D) No.285 dated 22.08.2013 and to quash the same and with consequential direction to the second respondent to repay the amount already recovered from the petitioner.

For Petitioner : M/s.T.Dharani

For Respondents :
(for R1 & R2) : M/s.S.Rajesh, Govt. Advocate



WEB COPY

W.P.No.15614 of 2013



ORDER

The petitioner has filed the above writ petition to quash the order of the 1st respondent dated 22.08.2013 with the consequential direction to the 2nd respondent to repay the amounts recovered from the petitioner within a time frame.

2. The factual matrix is as follows:-

2.1 The petitioner was appointed as a Forest Guard on 29.11.1979 through the Employment Exchange. Thereafter, he was transferred from the uniformed service to the Teaching service and appointed as a Secondary Grade Teacher in the Forest School. On 19.09.1986, he was promoted to the post of PG Assistant. From 12.09.1996, the Pudurnadu Forest School High School where the petitioner was working was upgraded as a Higher Secondary school. Thereafter, the petitioner was promoted as a Higher Secondary School Head Master on 30.05.2004.

2.2 While in service he was visited with a charge memo issued by the 2nd respondent dated 20.09.2008 under Section 17(b) of the



Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. To the said charge memo, the petitioner had submitted his explanation on 06.05.2009 and 30.12.2010, denying all the charges made against him. An enquiry was conducted and ultimately the petitioner was found guilty of charge Nos.1, 4, 5 and 7. Thereafter, he was permitted to retire from service by the proceedings of the 2nd respondent dated 27.06.2011 with effect from 30.06.2011 without prejudice to the disciplinary proceedings pending against him.

2.3. On 22.08.2013, the 1st respondent had imposed punishment of a cut in pension at the rate of Rs.2,000/- per month for a period of one year. While imposing the punishment, the 2nd respondent had threatened the petitioner to give consent for the same. Though the petitioner was permitted to retire from service without prejudice to the disciplinary proceedings, his retirement benefits have not been settled. Therefore, the petitioner, in order to receive his retirement benefits and pension had given his consent under coercion.



2.4. It is the contention of the petitioner that since the 2nd respondent had issued a charge memo and the punishment had been imposed by the 1st respondent, who is the appellate authority, the provision to file an appeal against the punishment order is not available to the petitioner. Therefore, the petitioner had submitted a review petition before the 1st respondent. However, the 1st respondent has not considered the same to date. Aggrieved by the same, the petitioner is before this Court.

3. The 2nd respondent has filed a counter in which apart from denying the allegations contained in the affidavit filed by the writ petitioner, he would submit that grave charges had been made and proved against the petitioner and the punishment imposed was very minimal.

4. It is the contention of the 2nd respondent that all the pensionary benefits have been settled to the petitioner and the petitioner had himself given his consent for a cut in pension. Therefore, he would submit that there is no merit in the contention of the petitioner.



WEB COPY

W.P.No.15614 of 2015



5. Heard the counsels on either side.

6. The following charges have been proved against the petitioner:-

"1. He has received Rs.100/- from students as bribe for distribution of bicycles under free Government distribution scheme.

2(E). He has collected Rs.250/- per student for issue of school transfer certificate.

4.He has taken away 8 Benches and 3 ceiling fans to his hosue from the school and ceiling fans which has gifted by Narayany sakhti peadam to the school.

5.He is in the habit of consuming liquor daily and under intoxication abusing the students.

7. When he was the chief supervisor for Public Examination in Jamaunamarathur Forest Higher Secondary School, he was abetting by allowing the students to copy during examination whicch resulted in the Publication of news in Tamil Daily Dinamalar dated



05.04.2007 under the caption *"Fake Supervisor in Jamaunamarathur Examination Centre" for which he is responsible."*

7. A mere perusal of the charges which have been proved against the petitioner would show that they are grave charges especially taking into account the fact that the petitioner was a Head Master. The respondents have followed all due procedures while conducting the disciplinary proceedings and ultimately imposed the punishment. It is also stated that after finalizing the disciplinary proceedings, the petitioner's consent was obtained as per the Tamil Nadu Pension Rules and thereafter the punishment of cut in pension of Rs.2,000/- for one year was imposed. That being the case. the petitioner cannot now challenge the order of punishment. That apart, considering the nature of the charges proved against the petitioner, the punishment imposed is commensurate with the charges proved. I see no reason to interfere with the order passed by the 1st respondent.



WEB COPY



W.P.No.15614 of 2015

8. Accordingly, the Writ Petition is dismissed. No costs.

26.06.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The State of Tamilnadu

Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forest,

Panagal Building,
Saidapet,
Chennai-15.



WEB COPY



W.P.No.15614 of 2015

P.T. ASHA. J.,

(shr)

W.P.No.15614 of 2015

26.06.2024