



W.P.No.17234 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.17234 of 2015

and

M.P.No.1 of 2015

D.Gnanasekar

... Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Building, Saidapet, Chennai 15.

2.The Conservator of Forest,
Chennai Circle, Chennai 6

3.The District Forest Officer
Chengalpattu Division,
Kancheepuram.

...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 on the file of the 2nd respondent herein in



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Proc. 1740/2012/E2 dt 08.06.2015, and quash the same and to direct the respondents herein to grant annual increments from the year 2007 and the Selection Grade benefits w.e.f. 03.10.2010 and consequently refix and revise the pay of the petitioner in the post of Forest Guard with all consequential benefits.

For Petitioner : M/s.M.Ravi

For Respondents :
(for R1 to R3) : Mr.S.Rajesh, Govt. Advocate.

ORDER

The above Writ Petition has been filed challenging the order passed by the 2nd respondent dated 08.06.2015 in and by which the 2nd respondent had imposed a punishment of reduction of rank on the petitioner.

2. From the facts and the arguments, it appears that the petitioner was appointed initially as a Watchman in the Forest Department in Chengalpattu Division on 10.06.1998. Thereafter, he was promoted as an Office Assistant in the year 1991. Subsequently, he was appointed as Forest Guard in the Tamilnadu Forest



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Subordinate Services by transfer of his service on 03.10.2000.

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3. It appears that on 26.01.2010, the 3rd respondent had issued an order of suspension to the petitioner consequent to his proceedings dated 18.02.2010 which was directed to be pasted at the entrance of the petitioner's residence. The petitioner's contention is that the above said order of suspension has not been proceeded with and was cancelled. Thereafter, he was issued with a charge memo dated 15.03.2010 by the 3rd respondent under Rule 17(b) of the Tamilnadu Civil Services (D & A) Rules stating that the petitioner had failed to submit the original certificate regarding his passing the 10th standard and that though he belongs to a backward class he had falsely stated that he belongs to the Schedule Tribe Caste.

4. After an enquiry, the Disciplinary Authority had imposed a punishment of stoppage of increment on the petitioner for one year without cumulative effect. The petitioner had not preferred any appeal against this punishment. Therefore, it is clear that the petitioner has accepted the charges framed against him.



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5. After perusing the punishment order and examining the matter carefully, the Reviewing Authority, the 2nd respondent had felt that the punishment awarded to the petitioner was not commensurate with the gravity of charges proved. Therefore, he had modified the punishment as follows:-

"Thiru D.Gnanasekar, Forest Guard is reverted back to the post of Office Assistant and is placed in the equivalent pay scale which he had before his promotion as Forest Guard with increments which he would have earned had he worked as Officer Assistant for all these years"

6. The impugned order has therefore been passed on two grounds (i) that the petitioner has given false information about his Educational Qualification stating that he has passed SSLC in March



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1996 by tampering the mark sheet (ii) that the petitioner has given false information about his Community.

7. The learned counsel for the petitioner would submit that when he had joined the services of the respondents as a Forest Guard Educational Qualifications were not prescribed and therefore the levelling of this charge at this stage i.e; 10 years after the petitioner had joined the services of the respondents is without any basis. As regards the arguments relating to the false information given about his Community, the learned counsel for the petitioner would submit that it was only on account of the fact that the petitioner was uneducated and did not know the implications.

8. The arguments with reference to the false information given regarding the Community cannot be countenanced. The petitioner has deliberately given the false information in order to get a promotion to Forest Guard. The punishment that has now been imposed cannot, by any stretch of imagination, be stated to be not commensurate with the



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offences. On the contrary, the petitioner has been let off lightly. I see no reason to interfere with the order passed by the 2nd respondent.

9. Accordingly, the writ petition stands dismissed. No costs.

Consequently, the connected Miscellaneous is closed.

20.06.2024

(shr)

Index : Yes

Speaking Order

Neutral Citation : Yes

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