



WEB COPY



W.P.No.9294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

C O R A M

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9294 of 2023
and W.M.P.Nos.9393 and 34440 of 2023

R. Govindaraj

... Petitioner

Vs.

1. The District Forest Officer,
Nagapattinam District,
Nagapattinam.

2. The Forest Range Officer,
Nagapattinam Range,
Nagapattinam.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in impugned proceedings C.No.6259/2022E, dated 21.12.2022 on the file of the first respondent and quash the same and direct the respondents to reinstate the petitioner into service with all consequential service benefits.



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For Petitioner : Mr.S.Sadasharam

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent dated 21.12.2022 thereby dismissed the appeal filed by the petitioner as against the order of removal passed by the second respondent dated 16.03.2022.

2. The petitioner was employed as an Anti Poaching Watcher at Nagapattinam Range Wild Life Division, Nagapattinam, from 01.04.1999. While being so, the petitioner was issued with a show cause notice alleging that handing over certain Sea Cucumber (Kadal Attai) and Sea Horse (Kadal Kuthiraigal) to accused persons for illegal gratification in pursuance to the registration of a complaint WLOR 1/2022 on the file of the Nagapattinam Forest Range Office. On receipt of the explanation, the second respondent removed the petitioner from service. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the same is dismissed.



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3. The learned counsel appearing for the petitioner submitted that the service of the petitioner is to be regularized since he was engaged from 01.04.1999 till his removal from service. Therefore, the petitioner is entitled for enquiry before removal of service. The second respondent, without conducting the enquiry, and on receipt of the explanation, removed the petitioner from service. Therefore, it is clear violation of principles of natural justice.

4. Dr.T.Seenivasan, learned Special Government Pleader, appearing for the respondents submitted that the petitioner originally was engaged as Anti Poaching Watcher at Nagapattinam Range Wild Life Division, Nagapattinam, from 01.04.1999. The petitioner's employment is not governed by any Service Rules. Therefore, Tamilnadu Civil Services (Discipline and Appeal) Rules, 1955, is not applicable to the petitioner since the petitioner is holding the post of Anti Poaching Watcher, which is not a permanent post. He further submitted that the petitioner was earlier also dismissed from service with effect from 17.11.2014 and thereafter, on mercy ground, he was re-engaged from 25.10.2017. Further, he is a habitual offender and the criminal complaint had been registered against him in Crime No.172 of 2022, dated 12.04.2022 on the file of the Inspector of Police, Velippalayam Police Station, Nagapattinam District for the offences committed by him i.e., theft of seized marine animals.



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Once again, the petitioner committed a very serious offence i.e. theft of 812 Kgs of unpreserved Sea Cucumber, 248 Kgs of preserved Sea Cucumber, 15 Kgs of Shark fins and 4 Kgs of Sea Horses. These marine animals were seized from the habitual offender. Therefore, the petitioner was served with a show cause notice and after enquiry, it was found that the petitioner had involved in the theft of marine articles. Insofar as Forest Officials are concerned, they were charged under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, and they were awarded punishment. Insofar as the petitioner is concerned, he is a temporary employee and he was engaged as Anti Poaching Watcher on daily wage basis. Therefore, the contention raised by the petitioner cannot be countenanced.

5. This Court does not find any infirmity or illegality in the order passed by the respondents. Thus, the relief sought for in this Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Nagapattinam District,
Nagapattinam.
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Nagapattinam Range,
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G.K.ILANTHIRAIYAN, J.

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