



WEB COPY



W.P.No.9842 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9842 of 2021

B.Shanmugam

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep by the Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forests,
(Head of the Forest Department)
Chennai 600 015.

3.The Wildlife Warden,
Megamalai Wildlife Division,
Theni.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent relating to the order in Pro.No.B3/53927/2018 dated 30.08.2019 to quash the same and to issue consequential directions to the respondents to regularise the period of suspension from 08.07.2017 to the date of revocation thereof as 'duty' for all purposes and to restore the periodical annual increments withheld.

For Petitioner : Ms.M.Subiksha for
Mr.M.Ravi

For Respondents : Mr.T.Chezhiyan, AGP



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent relating to the order in Pro.No.B3/53927/2018 dated 30.08.2019 to quash the same and to issue consequential directions to the respondents to regularise the period of suspension from 08.07.2017 to the date of revocation thereof as 'duty' for all purposes and to restore the periodical annual increments withheld.

2. Heard Ms.M.Subiksha, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. The petitioner is aggrieved due to the punishment of stoppage of increment for three years with cumulative effect in a disciplinary proceedings while he was working as a Forest Watcher.

4. It is the submission of the learned counsel for the petitioner that the punishment has been imposed on him on perverse findings without



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any evidence. The first respondent appellate authority also did not pass any orders and hence the petitioner is subjected to grave hardship and serious prejudice.

5. According to the petitioner, he had preferred an appeal on 14.11.2019 and the same is pending with the first respondent. When the matter is lying with the first respondent, this Court cannot sit as an Appellate Court with regard to the merits of the impugned order. In the fitness of things, I feel it is only appropriate to direct the first respondent to dispose the appeal filed by the petitioner.

6. In view of the above stated reasons, this Writ Petition is disposed and the first respondent is directed to dispose the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
gsk

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R.N.MANJULA, J.

gsk

To

- 1.The Principal Secretary to Government,
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Secretariat, Chennai 600 009.
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(Head of the Forest Department)
Chennai 600 015.
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