



W.P.No.17887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17887 of 2024
and
W.M.P. No. 19620 of 2024

K.Varadharajan

... Petitioner

Vs

1. The Conservator of Forests,
Salem Circle,
Salem – 636 007.

2. The District Forest Officer,
Namakkal Forest Division,
Namakkal.

3. The Assistant Conservator of Forest,
Forest Protection Squad,
Salem - 636 007.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned notice dated 25.04.2024 in Letter/Memo No. 7943/207/E2 issued by the second respondent and to quash the same.



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For Petitioner : Mr. A.K.Sriram,
Senior Counsel
for Mr. N.A.Ravindran

For Respondents : Dr. T.Seenivasan,
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the show cause notice dated 25.04.2024 issued by the second respondent.

2. While the petitioner was working as Forester, a complaint was registered in Crime No. 2/AC/205 for the offences punishable under Sections 7 & 13(2) r/w Section 13(1) of the Prevention of Corruption Act, 1988. In pursuant to the registration of the First Information Report, the petitioner was arrested and remanded to judicial custody on 05.03.2005. After filing of the final report, the same has been taken cognizance in C.C. No. 3 of 2006. After full-fledged trial, the petitioner was convicted and sentenced to undergo three years of simple imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offences under Section 7 of the Prevention of Corruption Act, 1988 and to undergo three years of simple imprisonment and a fine of Rs.5,000/-, in default, to undergo



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six months simple imprisonment for the offences under Section 13(2) r/w Section 13(1) of the Prevention of Corruption Act, 1988.

3. In view of the petitioner's conviction, the second respondent issued show cause notice dated 25.04.2024, directing the petitioner to submit written explanation, if any, within 15 days from the date of receipt of a copy of that show cause notice. Though 15 days were already completed, the petitioner failed to submit any explanation so far.

4. The learned Senior Counsel appearing for the petitioner submitted that only based on the conviction alone, the impugned show cause notice was issued to the petitioner. It is pertinent to note that the sentence imposed by the trial Court was subsequently suspended by this Court in CrI.M.P.No.3546 of 2024 in CrI. A. No. 250 of 2024 by order dated 05.03.2024. Therefore, if not the petitioner succeeds in the Criminal Appeal, he will be put to irreparable loss.



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5. It is seen from the records, it reveals that the petitioner already attained the age of superannuation while pending trial. Therefore, if at all the petitioner succeeds in the Criminal Appeal, the petitioner to get all reliefs. Further, there is absolutely no impediment for the respondents to issue show cause notice on the basis of conviction of the petitioner. Though sentence of the petitioner was suspended, it does not necessarily mean the entire investigation should be stayed. Therefore, the second respondent has jurisdiction to issue show cause notice to punish the petitioner by disciplinary proceedings.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

08.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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