



WEB COPY



Writ Petition No.23803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23803 of 2024

and

W.M.P.No.26052 of 2024

D.Durgadevi

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy - Velacherry Main Road,
Guindy, Chennai - 600 032.

2.The Conservator of Forests,
Vellore Forest Circle,
Vellore - 632 009.
Vellore District.

3.The District Forest Officer,
Thiruvannamalai Forest Division,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the impugned order dated 11.03.2024 in Se.Mu.Order No.3988/2022/L passed by the second respondent and quash the same.

For Petitioner : Mr.M.R.Jothimanian

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



Writ Petition No.23803 of 2024

ORDER

This writ petition has been filed challenging the proceedings of the second respondent in Se.Mu.Order No.3988/2022/L, dated 11.03.2024.

2. The case of the petitioner is that she was appointed as a Junior Assistant in the year 1999 in the Forest Department. Thereafter, she was promoted as Assistant in the year 2009 and was further promoted to the post of Superintendent in the year 2016. The specific case of the petitioner is that she is a ministerial staff in the Forest Department and her service is governed by the Tamil Nadu Ministerial Service Rules.

3. The further case of the petitioner is that on 27.02.2024, the second respondent issued a charge memo under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Totally, three charges were framed against the petitioner.

4. The grievance of the petitioner is that by the time the petitioner went through the relevant materials that were placed against



Writ Petition No.23803 of 2024

her and gave her reply, the impugned proceedings dated 11.03.2024 came to be passed against the petitioner whereby the second respondent has come to a conclusion that the charges have been proved and a punishment has been imposed by postponing the increment by one year without cumulative effect. That apart, a recovery has also been ordered to the tune of Rs.59,330/- on the ground that pecuniary loss was caused to the Government. The petitioner, aggrieved by the impugned order passed by the second respondent, has filed the present writ petition before this Court.

5. Heard Mr.M.R.Jothimanian, learned counsel for petitioner and Mr.T.Seenivasan, learned Special Government Pleader appearing for respondents.

6. On going through the records, it is seen that the petitioner has given a detailed reply dated 12.03.2024 by refuting each and every charge that was framed against her. Unfortunately, this reply seems to have been given after the second respondent had already passed an order on 11.03.2024. The impugned order passed by the second respondent is based on the charges framed against the petitioner, which was not



Writ Petition No.23803 of 2024

effectively defended. Considering the fact that the punishment imposed against the petitioner will have civil consequences, sufficient opportunity must be given to the petitioner to defend herself.

7. In the light of the above discussion, the impugned proceedings of the second respondent dated 11.03.2024 is hereby set aside. There shall be a direction to the second respondent to consider the explanation submitted by the petitioner on 12.03.2024 and deal with the same on its own merits and in accordance with law. If any clarification is required, the petitioner shall also be afforded an opportunity of personal hearing. The second respondent shall thereafter pass final orders within a period of six (6) weeks from the date of receipt of a copy of this order. This direction will effectively take care of the grievance expressed by the petitioner and it will also afford an opportunity to the petitioner to effectively defend herself in the departmental proceedings.

In the result, this Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2024

Neutral Citation: Yes/No



Writ Petition No.23803 of 2024

Index: yes/no, Speaking Order/Non-Speaking Order
gm

WEB COPY

To

- 1.The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy - Velacherry Main Road,
Guindy, Chennai - 600 032.
- 2.The Conservator of Forests,
Vellore Forest Circle,
Vellore - 632 009.
Vellore District.
- 3.The District Forest Officer,
Thiruvannamalai Forest Division,
Thiruvannamalai,
Thiruvannamalai District.



WEB COPY



Writ Petition No.23803 of 2024

N.ANAND VENKATESH, J

gm

Writ Petition No.23803 of 2024

16.08.2024