



W.P.(MD).No.12531 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12531 of 2024
and WMP(MD) Nos. 11192 & 1193 of 2024

Mugilnathan

... Petitioner

Vs

1. The District Forest Officer,
Ramanathapuram Forest Division,
District Forest Office,
Ramanathapuram.

2. The Enquiry Officer Cum The Forest Range Officer,
Paramakudi, Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge sheet in Na.Ka.No.5517/2023/U, dated 15.04.2024 issued by the 1st respondent and quash the same as illegal and subsequently direct the 1st respondent to reinstate the petitioner.

For Petitioner : Mr. T.Kumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

Heard Mr.T.Kumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, for the respondents.

2.The petitioner has filed this Writ Petition challenging the impugned charge sheet in Na.Ka.No.5517/2023/U, dated 15.04.2024 issued by the 1st respondent and to direct the 1st respondent to reinstate the petitioner.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the petitioner is working as a Forest Guard. He has been given with a charge memo, dated 15.04.2024 on allegation of lapses. He was kept under suspension also. The petitioner has challenged the order of suspension by filing a writ petition in W.P(MD) No.660 of 2024 and the same is pending. The respondents did not give him the required documents in order to make his effective defense.



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5.The learned counsel for the petitioner further submitted that the first respondent, who has placed him under suspension, himself had appointed the second respondent as the Enquiry Officer. Hence, the petitioner apprehends bias and that the enquiry will not be conducted in a fair and proper manner.

6.However, the above apprehension cannot be a reason to quash the charges against the petitioner. Since the charges framed against the petitioner demands lot of factual explanation and for which, a detailed enquiry is required. If the petitioner is not satisfied with the Enquiry Officer now appointed, it is always open to him to make a representation before the next level Officer, ie., Chief Conservative Officer through proper channel. Such a representation could be submitted by the petitioner to enabling the Authority concerned to appoint some other Enquiry Officer to conduct the enquiry.

7.Such a request shall be filed by the petitioner to the Chief Conservative Officer within a period of two weeks from the date of receipt of copy of this order by sending an advance copy to the Chief Conservative Officer and on receipt of the same, the first and second respondents shall



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forward the same to the Chief Conservative Officer immediately and thereafter, the Chief Conservative Officer shall appoint some other Enquiry Officer within a period of two weeks, thereafter. The enquiry proceedings shall be commenced only after the Chief Conservative Officer appoints a new Enquiry Officer in the place of the second respondent.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Note : Issue order copy on today (13.06.2024)

PNM

To

1. The District Forest Officer,
Ramanathapuram Forest Division,
District Forest Office,
Ramanathapuram.
2. The Enquiry Officer Cum The Forest Range Officer,
Paramakudi, Ramanathapuram District.



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R.N.MANJULA, J.

PNM

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