



W.A.(MD) No.826 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.826 of 2018
and
C.M.P(MD)No.4905 of 2018**

- 1.The Principal Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Department),
Panagal Building, Saidapet,
Chennai- 600 015.
- 3.The Conservator of Forest,
Madurai Circle,
Race Course Road,
Madurai-625 002.
- 4.The District Collector,
Theni, Theni District.

....Appellants/Respondents

-VS-

N.V.Nagaiah

...Respondent/Writ Petitioner

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WEB COPY Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.03.2018, passed in W.P.(MD) No.2786 of 2018.

For Appellants : Mr.A.Kannan
Additional Government Pleader
For Respondent : Mr.D.Kirubakaran

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This writ appeal has been filed by the respondents in the writ petition challenging the order passed by the learned Single Judge in W.P(MD)No.2786 of 2018, dated 20.03.2018.

2. We have heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondent and perused the materials available on record.

3. The learned Single Judge finding that a similarly placed officer was allowed to retire with warning and the petitioner herein has been visited with the punishment of censure, holding that the impugned order suffers from the vice



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of selective discrimination, has quashed the impugned order and modified the punishment imposed on the petitioner by 'warning' instead of 'censure'.

4. Challenging the same, the appellants have filed the present appeal.

5. The learned Additional Government Pleader appearing for the appellants would submit that since Mr.Sornappan retired, during the relevant time, he was allowed to retire from service with warning and the petitioner was in service and thereby, imposed a punishment of Censure. Further, he would submit that the petitioner has also now superannuated on 21.03.2021.

6. Having found that the writ petitioner has superannuated on 21.03.2021. On perusal of records, we find no reason to interfere with the order passed by the learned Single and hence, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am

[A.D.J.C., J.] [K.R.S., J.]
01.07.2024

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