



W.P.(MD).No.25103 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25103 of 2023
and WMP(MD) No.21288 of 2023

M.Malarkandan

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Department of Environment,
Climate Change and Forest,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Principal Chief Conservator of Forest,
Head of Forest Force, Forest Head Quarters,
Guindy Velacherry Main Road,
Guindy, Chennai-600 032.
3. The Chief Conservator of Forests,
Madurai Circle, Madurai.
4. The District Forest Officer,
Theni Forest Division,
Theni.

....Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records with related to the order of punishment passed by the 3rd respondent vide 7074/2013/Aa2, dated 23.07.2023 and the order of appeal vide Aa1/44940/2013, dated 23.04.2015 passed by the 2nd respondent and the order of revision petition filed by the petitioner vide G.O.(D) No.206, dated 25.11.2016 and quash the same as illegal and violating the contemplary procedures, consequently direct the 1st respondent to give all consequent benefits to the petitioner.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed challenging the impugned order of punishment passed by the 3rd respondent vide 7074/2013/Aa2, dated 23.07.2023 and the order of appeal vide Aa1/44940/2013, dated 23.04.2015 passed by the 2nd respondent and the order of revision petition filed by the petitioner vide G.O.(D) No.206, dated 25.11.2016 and violating the contemplary procedures, consequently direct the 1st respondent to give all consequent benefits to the petitioner.



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2.(i).The petitioner was inducted in the Forest Department as Forester on compassionate ground appointment on 02.05.1997. After crossing various avenue of promotion, presently he is working as Assistant Conservator, Sivagangai Forest District.

(ii).On 14.05.2013, he was visited with a charge memo issued by the 4th respondent under Rule 17(a) of Tamil Nadu Civil Services (Discipline & Appeal) Rules and charge under four counts were framed against the petitioner. A detailed enquiry was conducted and a punishment of stoppage of increment for a period of two years without cumulative effect came to be passed by the 3rd respondent. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent and the same was modified to the period of six months without cumulative effect. Challenging the same, he has preferred a revision before the first respondent and the same was rejected by confirming the order of the 2nd respondent.

(iii).That apart, the petitioner was also visited with two other charge memos, dated 15.05.2013 and 17.05.2013 and after conducting an elaborate enquiry, award of punishment of stoppage of increment for a period of one year and six months respectively, without cumulative effect came to be passed by the third respondent. Challenging the same, the petitioner preferred



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appeals before the 2nd respondent and the same were set aside by the 2nd respondent.

(iv).The petitioner has filed this writ petition challenging the impugned order of punishment passed by the 3rd respondent, dated 23.07.2013, in order of appeal, dated 23.04.2015 passed by the 2nd respondent and the order of revision, dated 25.11.2016 passed by the first respondent.

3.The learned counsel for the petitioner submitted that the third respondent has issued three charge memos for the same set of allegations, by splitting up into three sets of charges. In the three charge memos, after enquiry award of punishment was imposed as against the petitioner. However, in the two appeals preferred by the petitioners, the 2nd respondent set aside the punishment awarded in the charge memos, dated 15.05.2013 and 17.05.2013. The entire three charge memos were issued only with a malafide intention. Hence, pressed for interfering with the impugned order and prayed to allow the writ petition.

4.Per contra, the fourth respondent filed a counter and the learned Special Government Pleader submitted that the punishment of stoppage of



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increment for a period of one year without cumulative effect, which was imposed as against the petitioner was effected only from 01.04.2017 to 31.03.2018 and the same was in operation only upto 31.03.2018. However, this writ petition was filed in the year 2023 and no purpose would be served further in pursuing the writ petition. Hence, pressed for dismissal of the writ petition.

5.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

6.The learned counsel for the petitioner insisted that unless and until the impugned punishment is quashed, it would create monetary loss in future. That apart, he would be tainted with stigma all along his service and pressed to allow the writ petition.

7.In view of the said submission made by the learned counsel for the petitioner, this Court is of the considered view that if at all any promotion panel had been prepared for the year 2017-18, the case of the petitioner would not have been considered, due to the currency of punishment. The petitioner



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has already suffered the punishment, since it operates only upto 31.03.2018.

Therefore, no further promotion of the petitioner would be affected after 31.03.2018, by the minor punishment imposed as against the petitioner.

8.With the said observation, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

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

PNM



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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