



W.P.(MD)No.12559 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.12559 of 2017

and

W.M.P.(MD)Nos.9672, 9673 & 12899 of 2017

M.Muthiah

... Petitioner

/Vs./

The District Forest Officer,
Madurai Division,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the Respondent in Proc.No.E1/3122/2016 dated 28.06.2017 and the consequential order dated 30.06.2017 and to quash the same and consequently directing the Respondent to permit the Petitioner to retire with all monetary benefits.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.G.Suriya Ananth

Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order dated 28.06.2017 and the consequential order dated 30.06.2017 passed by the respondent rejecting the petitioner's request for payment of monetary benefits.

2. The learned Additional Government Pleader appearing for the respondent has placed before this Court the charge sheet filed in the disciplinary proceedings initiated against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. He would submit that serious charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 have been framed against the petitioner and an enquiry officer has also been appointed. Therefore, he would submit the question of granting the prayer as sought for in this writ petition at this stage will not arise.

3. The charge sheet for major penalties under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, dated 04.01.2024 filed against the petitioner in the disciplinary proceedings has



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also been placed on record by the learned Additional Government Pleader appearing for the respondent.

4. Since the charges framed against the petitioner are serious in nature and the same has been framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, which pertains to major penalties, the question of granting the relief sought for in this writ petition by the petitioner does not arise. Necessarily the petitioner will have to participate in the enquiry proceedings initiated by the respondent and only incase, he is able to establish that the charges are false, he can be permitted to retire from service.

5. For the foregoing reasons, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

Sm

TO:

The District Forest Officer,
Madurai Division,
Madurai.

Order made in
W.P.(MD)No.12559 of 2017

Dated:
29.08.2024