



WEB COPY



W.A No. 301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

WA No. 301 of 2023

R.Vijayakumar

... Appellant

Vs

1. Government Of Tamilnadu
Rep. by its Principal Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009
- 2.The Principal Chief Conservator Of
Forest having office at Panagal Maaligai,
Saidapet,Chennai 600 015.
- 3.The Chief conservator of Forest
Madurai Forest Range, Madurai District.

... Respondents

PRAYER

Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 31.10.2022 made in WP.No.29879 of 2018.

For Appellant : Mr.P.Ganesan

For Respondents : Mr.C.Selvaraj
Additional Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the learned Writ Court dated 31.10.2022 made in WP.No.29879 of 2018.

2. The appellant was initially appointed as Assistant Draughtsman in the Forest Department in the year 1984, subsequently promoted the post of Forest range Officer in 2008 and as Assistant Conservator of Forest in 2014. During the period between 2012 and 2014, when the appellant was working as Forest Range Officer at Meghamalai Forest Range at Chinnamanoor Range, Theni District, based on the information given by the Deputy Director, Forest Tiger of Kerala Forest and Wildlife Department on 30.11.2015, a criminal case was registered that, ten days prior to the Deepavali Festival which fell on 22.10.2014 ie., on 12.10.2014, some of the offenders illegally entered into the forest area with country made pistols, shot dead an elephant, cut the ivory and left the forest area. The incident was said to have been taken place in the Highways area, ten kilometres away from Chinnamanoor, Meghamalai Forest Area, South Pazhani Beat, Odaipatti Section. Therefore, a case was registered one year after the alleged incident, in which the elephant was said to have



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been shot dead and the ivory of the dead elephant was cut and carried away. Therefore, for not effectively supervising the forest area which comes within the jurisdiction of the appellant / writ petitioner, disciplinary proceedings were initiated against him and others who have been working in that area at the relevant point of time under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by proceedings dated 22.12.2015.

3. There has been no violation of procedural formalities to be adopted in completing the disciplinary proceedings under Rule 17(a) and ultimately, the charge since has been proved against the delinquent ie., the appellant / petitioner and others, punishment of withholding increment for two years without cumulative effect has been imposed by the disciplinary authority. As against the same, appeal has been filed, where, the punishment was reduced to withholding of increment for six months without cumulative effect, which is a very minimum punishment for the proven charges under Rule 17(a) of the Rules. The said punishment was communicated vide G.O.(2D) No.40, Environment and Forest (Fr.1) Department dated 07.09.2018.

4. Challenging the said Government Order, writ petition was filed in W.P.No.29879 of 2018, which was dismissed by the Writ Court after



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having considered the factual matrix of the case, by order dated 31.10.2022, as against which the present appeal has been filed.

5. We have heard the learned counsel appearing for both sides. We have gone through the impugned order passed by the Writ Court and the relevant documents which have been placed before us for our perusal.

6. As has been rightly observed by the learned Judge in the impugned order, there has been no procedural violation in conducting the 17(a) disciplinary proceedings. Killing of an elephant for the purpose of taking away the ivory by the miscreants is a serious issue, which was not properly noticed by the forest officials like the writ petitioner / appellant along with other forest officials and staff. Therefore, a disciplinary proceedings has been initiated by the authorities only on receipt of the information from the Kerala Forest Department that too, after an year of the incident. This itself shows that effective supervision has not been undertaken by the forest officials including the writ petitioner /appellant, for which disciplinary proceedings under Rule 17(a) has been initiated and a punishment of withholding of increment for two years without cumulative effect has been imposed by the disciplinary authority. Subsequently, it has been modified into only a minimum punishment of withholding of increment for six months without cumulative effect.



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Therefore, this minimum punishment cannot be stated to be either excessive punishment or for which the delinquent is not liable to.

7. Even though a defence has been taken by the learned counsel for the appellant, whether the elephant killing incident took place at the place which comes under the jurisdiction of the appellant / writ petitioner was not properly proved before the enquiry officer, we are not impressed with the said submission of the learned counsel for the appellant.

8. If at all he is a Forest Range Officer, within the range if any such incident takes place, that too serious in nature as stated above, sole responsibility must be taken by the Range Officer and other forest staff. Therefore, there was every justification on the part of the respondent Department for initiating disciplinary proceedings. However, for the reasons best known, the respondent has initiated the proceedings under rule 17(a) instead of Rule 17(b) and imposed a minor punishment and that also has been further modified and reduced by the appellate authority. Therefore, absolutely there could be no ground to challenge the said minimum punishment awarded through G.O.(2D)No.40, Environment and Forest (Fr.1) Department dated 07.09.2018. Hence, such an order cannot be assailed successfully by the appellant.



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9. Hence, the order passed by the writ Court, confirming the aforesaid Government Order and dismissing the writ petition through the impugned order is also justified and sustained. Resultantly, the writ appeal fails and the same is dismissed. No costs.

(R.SURESH KUMAR J.) (A.D.MARIA CLETE J.)
21-04-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
KST



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To

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