



W.P.No.24070 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24070 of 2025

M.Ramesh

... Petitioner

Vs.

1.The District Forest Officer,
Dharmapuri Division,
Dharmapuri, Tamil Nadu.

2.The Forest Range Officer,
Forest Protection Force Circle,
Dharmapuri Forest Division,
Dharmapuri,
Tamil Nadu.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to defer enquiry in the disciplinary proceedings in pursuant to the charge memo dated 28.02.2017 passed by the 1st respondent pending final disposal of Spl CC No. 02/2017 on the file of Chief Judicial Magistrate/Special Court for Prevention of Corruption Cases, Dharmapuri, by considering the representation of the petitioner dated 21.05.2025.

For Petitioner

: Mr.S.Velmurugan

For Respondents

: Dr.T.Seenivasan
Special Government Pleader



WEB COPY



W.P.No.24070 of 2025

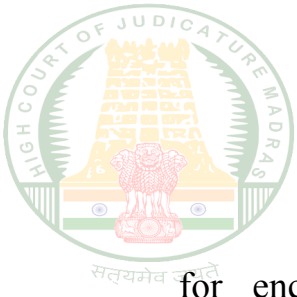
ORDER

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

2. The instant writ petition has been filed with a prayer for issuing a Mandamus, directing the Respondents to defer enquiry in the disciplinary proceedings in pursuant to the charge memo dated 28.02.2017 passed by the 1st respondent pending final disposal of Spl.CC.No.02/2017 on the file of Chief Judicial Magistrate/Special Court for Prevention of Corruption Cases, Dharmapuri, by considering the representation of the petitioner dated 21.05.2025.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the petitioner has joined in the Respondents/Forest Department in the year 2007 as Forest Guard cum Driver, SF & E Range (Social Forest and Extension Range) and on 26.07.2015, a complaint was lodged against one Veeramani



W.P.No.24070 of 2025

WEB COPY

for encroaching Government Forest Land and cutting trees without permission of the Authority. In the said complaint, the petitioner was also implicated as party along with one K.Chinnaraj. It is the submission of the petitioner that the charges, documents and the witnesses relied both in the disciplinary proceedings as well as in the criminal case are one and the same. Therefore, if the witnesses are examined in the disciplinary proceedings, then it would expose his defence before the Criminal Court. Hence, prayed to stay the disciplinary proceedings. However, the learned counsel for the petitioner would fairly submit that upto PW.14 were examined before the Criminal Court and the case before the Criminal Court is in the advance stage. The learned counsel for the petitioner would further submit that when the case is in the advance stage before the Criminal Court, the respondents have issued a summon to the petitioner to appear for enquiry in the pending disciplinary proceedings and if the disciplinary proceedings is parallelly proceed with, then it would cause a prejudice to the petitioner. Hence, prayed to interfere with the same.

5. At this juncture, the learned Special Government Pleader appearing for the respondents would vehemently contend that the standard of proof



W.P.No.24070 of 2025

WEB COPY

before the Criminal Court as well as the Disciplinary Proceedings are different. Therefore, there is no bar to proceed with the disciplinary proceedings parallelly with criminal proceeding and apart from that, there cannot be any prejudice to the petitioner since almost all the witnesses have been examined except few witnesses. In such view of the matter, the learned Special Government Pleader prayed to dismiss the writ petition.

6. I have given my anxious consideration to the submissions made on either side.

7. The learned counsel for the petitioner relies upon the order of the learned Single Judge in W.P.No.19671 of 2023, dated 14.10.2024, wherein this Court has categorically stated that whenever the defence of the Criminal Court is exposed, then the disciplinary proceeding may be stayed. But the fact of the instant case is slightly different from the case which cited by the learned counsel for the petitioner.

8. According to the facts, almost 14 witnesses have been examined before the Criminal Court, whereas in the disciplinary proceedings, the



W.P.No.24070 of 2025

WEB COPY

examination has to be commenced. Therefore, mere examination of the witnesses in the disciplinary proceedings would in no way prejudice the criminal trial, as the witnesses have already been fully examined.

9. In such view of the matter, this Court do not find any merits in the present writ petition. In the result, the Writ Petition is dismissed. No costs.

04.07.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

To

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Forest Protection Force Circle,
Dharmapuri Forest Division,
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W.P.No.24070 of 2025

C.KUMARAPPAN, J.

dm

W.P.No.24070 of 2025

04.07.2025