

W.P(MD)No.13697 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.13697 of 2022 and
WMP(MD) Nos. 9732 & 18147 of 2022

Logasundaranathan.S

... Petitioner

Vs

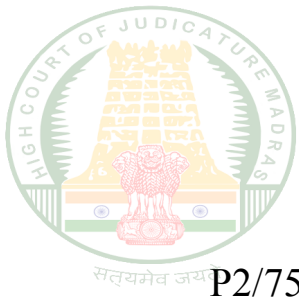
1.The Principle Chief Conservator of Forest,
O/o. Principle Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai.

2.The Chief Conservator of Forest,
O/o. Conservator of Forest,
Tirunelveli Circle,
Tirunelveli.

3.The District Forest Officer,
O/o. District Forest Officer,
Thoothukudi Division,
Thoothukudi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorari, to call for the records pertaining to the Impugned Order in Se.Mu.Aa.No.



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P2/7593/2021 dated 21.04.2022, on the file of the Respondent No.2
and quash the same as illegal.

For Petitioner : Mr.Karthick for
M/s.Lajapathi Roy Associates
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner is working as a Forest Range Officer at Tirunelveli. While he was serving in Tiruchendur Range, he was issued with a charge memo under Rule 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 03.12.2021 and after enquiry, he was also imposed with a punishment of "recovery of Rs.1,29,327/-" and also a punishment of "postponement of increment of three months without cumulative effect". As against the order of punishment, dated 21.04.2022, the petitioner has filed this writ petition.

2.The learned Counsel appearing for the petitioner submits that a charge memo was issued as against this petitioner that

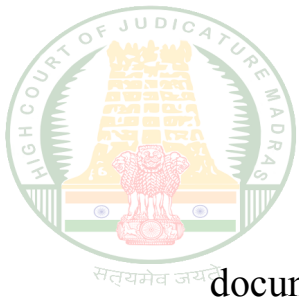


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this petitioner has not assessed the value of the yield from the tamarind trees, cashew trees and other trees planted within Tiruchendur Range in a proper manner. According to him, the value assessed by him is the value assessed for the previous years and also for the subsequent years. The disputed assessment has been made not only by the petitioner, it is also by the Forester, Forest Guard and Forest Watcher, headed by the Forest Ranger. Without taking any disciplinary proceedings as against the other officers, who are formed part of the team in assessment of the value of the income derived from the tamarind trees and cashew trees, the petitioner alone has been issued with a charge memo, in order to defeat his opportunity of promotion.

3. According to the petitioner, he was issued with a charge memo, by the District Forest Officer, Thoothukudi in Na.Ka.No.Ku/5559/2017, dated 03.06.2019, for which, he has submitted a detailed explanation on 09.07.2019. Thereafter, the petitioner has made a representation to the respondents to provide 16



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documents, which are relied on by the respondents, out of which, they have provided 7 documents alone. Without furnishing the documents sought for by the petitioner, the respondents have issued another charge memo, dated 28.06.2021, directing him to pay a sum of Rs.1,30,321/- towards the loss caused by the petitioner to the Department, for which, he has submitted a detailed explanation to the respondents on 27.09.2021. However, without considering any of the explanations offered by him and without providing the required documents, an another charge memo, dated 03.12.2021, under Rule 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, has been issued as against this petitioner and the same was challenged by this petitioner before this Court in WP(MD) No.51 of 2022. This Court, by order, dated 07.03.2022 has dismissed that writ petition, with a direction to the petitioner to offer his explanation, if any, within a period of two weeks and a further direction was also issued to the respondents to take a decision on the disciplinary proceedings as expeditiously as possible, by considering his explanation. According to the learned counsel, the petitioner is



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intending to prefer an appeal as against the order passed by this Court in WP(MD) No.51 of 2022 and therefore, he has not offered his explanation, as directed by this Court in WP(MD) No.51 of 2022. However, the same has been taken advantage by the Disciplinary Authority and they have proceeded with the disciplinary proceedings and an order of punishment has been passed on 21.04.2022.

4.The learned Counsel has drawn the attention of this Court that the order of punishment has been passed as if that this petitioner has not furnished his reply, even after the directions of this Court in WP(MD) No.51 of 2022, dated 07.03.2022. The learned Counsel submits that that the petitioner has submitted a detailed explanation for the memo issued by the third respondent in Na.ka No. KU 5559 / 2017. However, this reply of this petitioner for the memo dated 03.06.2019 was not at all considered by the respondents, at the time of passing the final order in the charge memo dated 03.12.2021. He also submits that even in the subsequent

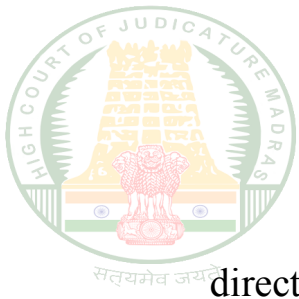


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years, the value of the yield income of the cashew trees and tamarind trees in Tiruchendur Region has been fixed as per his recommendation only. However, on the imaginary yield, a charge memo has been issued as against this petitioner and he was also imposed with the punishment.

5.The learned Additional Government Pleader appearing for the respondents submits that this petitioner was issued with a charge memo, under Rule 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 03.12.2021. The petitioner has not filed any explanation with regard to the assessed yield income in a proper manner. The second respondent after assessing the yield from the forest range area has come to a conclusion that the petitioner has wrongly projected the yield income before the Department in order to make some wrongful gain to others. Therefore, disciplinary proceedings was initiated as against this petitioner. The petitioner has challenged the charge memo, dated 30.12.2021, before this Court and this Court has dismissed that writ petition with a specific



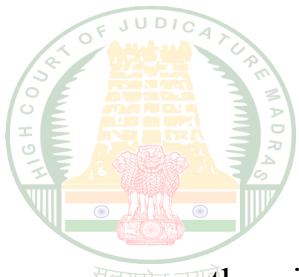
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direction, directing this petitioner to submit his reply within a period of two weeks from the date of receipt of a copy of that order to the respondents. Even after the directions of this Court in WP(MD) No.51 of 2022, the petitioner has not submitted his explanation and therefore, the Department has proceeded further with the departmental proceedings as directed by this Court in WP(MD) No. 51 of 2020 and passed the final order. Therefore, there is no need to interfere with the order of punishment.

6.This court considered the rival submissions made and also perused the materials placed on record.

7. The petitioner was imposed with a punishment of "recovery of a sum of Rs.1,29,327/-" and also another punishment of "postponement of increment for three months without cumulative effect" that this petitioner has not projected the yield income of the forest range area under his control, in a proper manner. The case of the petitioner is that the yield income projected by this petitioner is

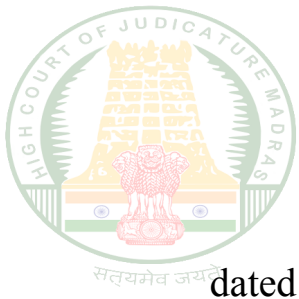


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the yield income assessable even as on date. The petitioner has also submitted his explanations on 09.07.2019 and 27.09.2021, for the charge memo dated 03.06.2019. However, he has failed to submit his explanation to the charge memo dated 03.12.2021 as directed by this Court in WP(MD) No.51 of 2022. He was advised to file an appeal challenging the above order of this Court, however, the impugned order of punishment has been passed, even within the statutory period of appeal. Admittedly, the impugned order has been passed as an exparte order that this petitioner has failed to submit his explanation as directed by this Court in WP(MD) No.51 of 2022.

8.This Court does not find fault with the respondents for having disposed of the departmental proceedings, in view of the order passed by this Court in WP(MD) No.51 of 2022 and in the absence of any explanation by the petitioner to the charge memo, dated 03.12.2021. Though the petitioner has offered his explanations twice for the earlier charge memos, the fact remains that this petitioner has not submitted his explanation to the charge memo,



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dated 03.12.2021. Moreover, this petitioner claims that the yield income even as on date is the income as projected by him at the relevant point of time.

9.In view of the above, the impugned order of punishment is set aside, with a direction to the petitioner to offer his explanation, if any, to the charge memo dated 03.12.2021, within a period of three weeks from the date of receipt of a copy of this order. The second respondent shall take a decision afresh by considering his explanation to be submitted by him, on the charge memo dated 03.12.2021, within a period of four weeks from there on.

10.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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