



WEB COPY



W.P.No.4825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4825 of 2024

V.Muniyandi

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai – 600 015.

2.The Secretary,
Environment and Forest Department,
Fort St.George,
Chennai – 600 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent issued in Letter No.6368/Va.1/09-16 dated 13.10.2010 and quash the same and consequently direct the respondents to sanction all the petitioner retirement benefits and full pension with interest as fixed by this Hon'ble Court.

For Petitioner : Ms.Selvi George

For Respondents : Mr.C.Selvaraj

Additional Government Pleader



W.P.No.4825 of 2024

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent issued in Letter No.6368/Va.1/09-16 dated 13.10.2010 and quash the same and consequently direct the respondents to sanction all the petitioner's retirement benefits and full pension with interest as fixed by this Court.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Forester during April, 1981 and was promoted as Ranger in the year 2005. The petitioner was placed under suspension by the Conservator of Forests, Dindigul, vide order dated 28.11.2006 on the allegation of financial irregularity involving misappropriation of Government money to the tune of Rs.3,52,048/- in the departmental works in the Korankombu Village of Tamil Nadu Afforestation Project, Integrated Tribal Development Program component in Kannivadi Forest Range and a sum of Rs.62,113/- in the departmental work in Senkattampatti RF of RSVY project in Kannivadi Forest Range and thereafter a charge sheet dated 09.05.2007 was issued to the petitioner under Rule 17(b) of the Tamil Nadu Civil



W.P.No.4825 of 2024

Services (Discipline and Appeal) Rules by the District Forest Officer.

WEB COPY

3.The learned counsel appearing for the petitioner further submitted that thereafter vide order dated 18.09.2007, suspension order was revoked by the respondents and the petitioner was allotted to Nelakottai Range of Mudumalai Wildlife Sanctuary Division and after enquiry, the respondent passed order of punishment dated 08.07.2008 reverting the petitioner as Forester for 1 – ½ years from 15.07.2008 and during the said period, the petitioner's pay was fixed in the cadre of Forester in basic level at Rs.5,000/-. The petitioner preferred statutory appeal before the Government and got order of stay on 24.07.2008. The petitioner filed a writ petition and the said writ petition was disposed of by this Court, directing the appellate authority to dispose of the appeal preferred by the petitioner. The said appeal was dismissed vide proceedings in GO.(D) No.76, Environment & Forests (F-1) Department dated 26.02.2009. The petitioner has approached this Court again by way of filing the writ petition aggrieving against the orders passed by the Government in the statutory appeal and the said writ petition was allowed and the orders passed in the statutory appeal were set aside and a direction was given to consider the matter afresh and thereby the matter was



W.P.No.4825 of 2024

remanded back to the Government.

WEB COPY

4.The learned counsel appearing for the petitioner further submitted that in the meanwhile, the petitioner retired from service without prejudice to pending appeal. Without deciding the appeal preferred by the petitioner, the Government passed order vide G.O(3D) No.65, Environment & Forest (FR1) Department dated 12.10.2010, wherein, the second respondent has set aside the order issued by the first respondent dated 08.07.2008, restored the charge memo issued under 17(b) of Tamilnadu Civil Service (Disciplinary & Appeal) Rules and decided to proceed under the Pension Rules. Thereby, the impugned letter was issued by the second respondent, deciding to recover the DCRG amount of Rs.3,68,102/- from the petitioner.

5.The learned counsel appearing for the petitioner further submitted that the petitioner is not only responsible for the alleged loss and the project involves not only the petitioner but also other Forest Department Officials and several other persons were involved in the execution of the project and hence, fixing the alleged loss on the petitioner is not sustainable one. The learned counsel further



W.P.No.4825 of 2024

submitted that without providing opportunity to the petitioner, the impugned letter was issued by the second respondent, which is not sustainable one.

6.The learned Additional Government Pleader submitted that the petitioner worked as Forest Range Officer, Kannivadi Forest Range Dindigul Forest Division from 12.08.2005 to 28.11.2006. During his tenure, he committed certain misappropriation of funds allotted to carry out certain departmental works in the said range and the same came into light during the field inspection by the District Forest Officer and Assistant Conservator Officer, Dindigul Division. Therefore, the District Forest Officer, Dindigul constituted a special party consisting of Forest Range Officer, Natham and Forest Range Officer, Protection Range with their subordinates of Dindigul Division to enumerate thoroughly the planting, pitting, catch water pits, semi-circular ponds, contour stone walls, check dam works and the materials in the Tamilnadu Afforestation Project (TAP), National Afforestation Project (NAP) and RSVY works of Kannivadi Range executed by the petitioner.

7.The learned Additional Government Pleader further submitted that the Special Party submitted its report on 22.11.2006



W.P.No.4825 of 2024

observing that in Perumalpudur NAP Village of Kannivadi Range, no pitting work was started as on 21.11.2006 and the petitioner was found to be falsely reporting of pitting progress; in RSVY work in Senkattampatti Reserved Forests, there was excess expenditure by the petitioner to the tune of Rs.62,113/-; in TAP village of Korankombu Village in Kannivadi Range, work for an estimated amount of Rs.3,52,048/- was found to be pending as on 21.11.2006.

8.The learned Additional Government Pleader further submitted that earlier the petitioner filed W.P.No.6951 of 2015 seeking to quash G.O.(3D) No.65, Environment and Forest(FR.1) Department dated 12.10.2010 issued by the second respondent and to direct the respondents to sanction all retirement benefits to the petitioner and full pension with interest and this Court dismissed the said writ petition on 28.11.2023 by observing as follows:

"8.The petitioner has challenged the orders passed against him vide G.O.(3D) No.65, Environment & Forest (FR1) Department dated 12.10.2010 by the second respondent. However, subsequent to the filing of the counter, the respondent has considered the explanation offered by the petitioner and an order was passed in G.O.(3D) No.65,



W.P.No.4825 of 2024

Environment & Forest (FR1) Department dated 12.10.2010 setting aside the orders passed by the 2nd respondent. That means the impugned orders passed imposing the punishment against the petitioner were already set aside by the 2nd respondent. Though the learned counsel for the petitioner submitted that the petitioner will take steps to amend the Writ Petition questioning the recovery of Rs.3,68,102/- from the DCRG of the petitioner. It is a different cause of action which the petitioner is expected to file a fresh petition.

9. In so far as the present Writ Petition is concerned, since the orders passed by the second respondent which were impugned in the present Writ Petition, were came to be set aside during the pendency of the writ petition, the cause does not survive in this case any more. Therefore, the petition requires to be dismissed. However, in case, if the petitioner is aggrieved by the orders passed in respect of recovery of Rs.3,68,102/- he is at liberty to approach the appropriate forum by following due process of law.”

9.The learned Additional Government Pleader further



W.P.No.4825 of 2024

submitted that considering the service rendered by the petitioner and considering the fact that the petitioner retired from service and action has to be taken in terms of Pension Rules, the respondents took a lenient view and issued the impugned letter deciding to recover the DCRG amount of Rs.3,68,102/- from the petitioner, which warrants no interference.

10.Heard the arguments advanced on either side and perused the materials available on record.

11.Perusal of records disclose that when the petitioner worked as Forest Range Officer, Kannivadi Forest Range Dindigul Forest Division from 12.08.2005 to 28.11.2006, he committed certain misappropriation of funds allotted to carry out certain departmental works in the said range and the same came into light during the field inspection by the District Forest Officer and Assistant Conservator Officer, Dindigul Division. Therefore, the District Forest Officer, Dindigul constituted a special party consisting of Forest Range Officer, Natham and Forest Range Officer, Protection Range with their subordinates of Dindigul Division to enumerate thoroughly the planting, pitting, catch water pits, semi-circular ponds, contour stone



W.P.No.4825 of 2024

walls, check dam works and the materials in the Tamilnadu Afforestation Project (TAP), National Afforestation Project (NAP) and RSVY works of Kannivadi Range executed by the petitioner.

12.Perusal of records further disclose that the Special Party submitted its report on 22.11.2006 observing that in Perumalpudur NAP Village of Kannivadi Range, no pitting work was started as on 21.11.2006 and the petitioner was found to be falsely reporting of pitting progress; in RSVY work in Senkattampatti Reserved Forests, there was excess expenditure by the petitioner to the tune of Rs.62,113/-; in TAP village of Korankombu Village in Kannivadi Range, work for an estimated amount of Rs.3,52,048/- was found to be pending as on 21.11.2006. Thereby, after various litigation, the impugned letter was issued by the second respondent, deciding to recover the DCRG amount of Rs.3,68,102/- from the petitioner.

13.It has been the consistent view of the Courts that it is always within the domain of the appointing authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts



W.P.No.4825 of 2024

interfere in the same in exercise of powers under Article 226 of the Constitution. In **Prem Nath Bali – Vs - High Court of Delhi (2015 (16) SCC 415)**, the Hon'ble Supreme Court held as under :-

"20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such



cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority.”

(Emphasis Supplied)

14.From the ratio laid down by the Hon'ble Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

15.In the present case, considering the service rendered by the petitioner and considering the fact that the petitioner retired from service and action has to be taken in terms of Pension Rules, the respondents took a lenient view and issued the impugned letter deciding to recover the DCRG amount of Rs.3,68,102/- from the



W.P.No.4825 of 2024

petitioner, which warrants no interference. Further, the writ petition filed by the petitioner in W.P.No.6951 of 2015 seeking to quash G.O. (3D) No.65, Environment and Forest(FR.1) Department dated 12.10.2010, based on which the letter impugned in this writ petition was issued by the second respondent, was already dismissed by this Court on 28.11.2023.

16.In view of all the above, this writ petition is dismissed. No costs.

05.02.2026

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai – 600 015.
- 2.The Secretary,
Environment and Forest Department,
Fort St.George,
Chennai – 600 009.

12/13



WEB COPY



W.P.No.4825 of 2024

M.DHANDAPANI,J.
pri

W.P.No.4825 of 2024

05.02.2026