

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

L.P.A.No.4 of 2015
and
M.P.Nos.2 and 3 of 2015

- 1.Jeyabalan
- 2.Syed Usman Madhani
- 3.S.Karuppu
- 4.T.Captain Napoleon
- 5.Samiyappan
- 6.Sureshkumar

... Petitioners
Third Party Appellants

vs

1. Thiruneelakandan,
Forester,
Sherveroys South Range,
Salem Division,
Salem Circle.
2. A.Senthilkumar,
Forester,
Interfaced Forest Range,
Interfaced Forest Division,
Salem Circle.
3. S.Selvaraj,
Forest,
Kangeyam Forest Range,
Thiruppur Division,
Aanaimalai Tiger Reserve,
Pollachi.
4. Hansraj Verman, I.A.S.,
The Principal Secretary to Government,
Environment and Forest Department,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.

5. M.Vinod Kumar, I.F.S.,
The Principal Chief Conservator of Forest,
Head of Forest Force,
1, Jeenis Road,
Saidapet,
Chennai-600 015.

... Respondents/Petitioners

Appeal filed under Section 100-A of the Letters Patent against the order dated 01.06.2015 passed in Contempt Petition No.659 of 2015 presented this Court to punish the Respondents for disobedience of the Order of this Court dated 30.10.2013 in W.P.No.29184 of 2013 award cost presented under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fix the seniority based on the appointment as Forester as per the Tamil Nadu Forest Subordinate Service Rules to the post of Forest Range Officer by considering petitioners representation dated 03.09.2013.

For Appellants : M/s.Selvi George
For Respondents : Mr.L.Chandrakumar
for
Mr.M.R.Jothimanian for R1 to R3
Mr.STS.Moorthy
Government Pleader for R4 & R5

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have issued notice in the appeal and in M.P.No.2 of 2015 in terms of our order dated 24.06.2015 returnable on 28.07.2015. The order passed in M.P.No.2 of 2015, dated 24.06.2015 reads as under:-

"Notice to the respondents through the learned counsel on record before the learned single Judge privately.

2. The learned counsel for the appellants points out that faced with the similar situation relating to the same list, another learned single Judge had modified a blanket interim order, restricting it to only three posts of Forest Ranger Officer as there were only three petitioners. It is stated that the position in the present case is also an identical, as the

original petitioners are the first three respondents before us. It is, thus, suggested that till the appeal is heard, atleast as an ad-interim exparte measure, the protection granted by the impugned order should be only qua three posts of Forest Ranger Officer.

3. We see merit in this contention, especially as the first appellant is due to retire on the 30th day of this month and would be deprived of the enjoyment of the pensionary benefits. We may also note that the contempt proceedings were taken out on the failure of the concerned authorities to dispose of the representation of the original petitioners, as the mandamus was only for disposal of the representation and not against any of the parties. That representation has been subsequently rejected on 26.03.2015 as informed by the learned counsel for the appellants. The implementation of panel was through passing orders on 28.05.2015.

4. We thus direct that there shall be stay of the direction made in the impugned order against publishing of panel for appointment of Forest Rangers subject to the condition that three post of Forest Ranger Officers would be kept aside for the private respondents.

5. List on 28.07.2015."

Now, M.P.No.3 of 2015 has been filed by the affected respondents seeking vacation of the stay granted in M.P.No.2 of 2015.

2. We put to the learned counsel for respondent Nos.1 to 3 that the perusal of the order dated 24.06.2015 itself would show that the only direction which could be available to the affected respondents was qua number of posts which were restricted to three. It is this which persuaded us to modify the impugned order, as it sought to impose a blanket stay especially in the context of the fact that one of the appellants before us was on the verge of retirement.

3. In view of the aforesaid position, it is agreed that the impugned order may be modified to the extent directed by our order dated 24.6.2015 as final order and the appeal and the applications be accordingly disposed of. Ordered accordingly. The matter need not be listed on 28.07.2015.

4. The appeal and M.P.Nos.2 and 3 are disposed of in terms aforesaid. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to
Government of TamilNadu,
Environment and Forest Department,
Fort St. George, Chennai.
- 2.The Principal Chief Conservator of Forest,
Head of Forest Force,
1, Jeenis Road,
Saidapet, Chennai - 15.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.35911
+6cc's to M/s.Selvi George, Advocate, S.R.No.35890
+1cc to the Special Government Pleader(Forest), S.R.No.35835

L.P.A.No.4 of 2015
and
M.P.Nos.2 and 3 of 2015

TEJ(CO)
CA(06/08/2015)

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