

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2015

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THE HONOURABLE DR.JUSTICE S.TAMILVANAN

AND

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

W.P.No.38496 OF 2015

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M.P.Nos.1 & 2 of 2015

Dr.Aruna Basu Sarcar, I.F.S.,
Additional Principal Chief
Conservator of Forests,
Plot No.1168, I Block, 36th Street,
Anna Nagar,
Chennai-600 040. ... Petitioner

Vs

1. State of Tamil Nadu rep. by
Principal Secretary to Government,
Department of Environment & Forests,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Principal Chief Conservator
of Forests, and
Head of Forest Force,
Panagal Building,
1-Jeenis Road, Saidapet,
Chennai-600 015.
3. The Central Administrative Tribunal,
Madras Bench rep. by its Registrar,
Chennai. ... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the third respondent made in O.A.No.310/01306/2015, dated 19.11.2015 and quash the same and consequently direct the first respondent to post the petitioner in any one of the Regular Additional Principal Chief Conservator of Forest post forthwith.

For Petitioner : Mr.Venkatramani, Senior Counsel
for M/s.Selvi Goerge

For Respondents: Mr.M.K.Subramanian,
Spl.Govt. Pleader for R1&R2
R3-Tribunal

O R D E R

Heard the learned Senior Counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2.

2.Learned Senior Counsel appearing for the petitioner drew the attention of this Court to the affidavit filed in support of the writ petition and submitted that the petitioner was directly recruited as IFS Officer and joined the services on 09.05.1983 and subsequently promoted and posted as a Regular Additional Principal Chief Conservator of Forests, Research at Chennai and then during February, 2014, she was transferred and posted as Director and Additional Principal Chief Conservator of Forests, Tamil Nadu Forest Academy, Coimbatore. However, by the impugned order dated 19.11.2015, he has been deputed to the lower rank ex-cadre post, namely, Dean, Tamil Nadu Agricultural University at Mettupalayam. According to the learned Senior Counsel appearing for the petitioner, the said post is not an equal cadre as that of the Additional Chief Conservator of Forests.

3.Having considered the facts and circumstances, the Central Administrative Tribunal has directed the respondents to protect the pay of the petitioner in the post of Dean, Tamil Nadu Agricultural University. But according to the learned Senior Counsel, the pay protection alone is not sufficient since posting her in an unequal cadre is detrimental to the interest of the petitioner. However, the matter has been adjourned to 21.12.2015.

4.Per contra, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the adjournment cannot be questioned by the petitioner by way of filing the writ petition without raising the same before the Tribunal. It is open to the petitioner to approach the Central Administrative Tribunal to pass appropriate orders, considering the urgency, raised by her.

5.Having considered the facts and circumstances and the submissions made by both the learned counsel, we are of the view that the adjournment without any mala fide intention cannot be questioned by way of filing a writ petition since remedy is available before the Central Administrative Tribunal. Therefore, having gone through the averments made in the accompanying affidavit, we find it just and reasonable to direct the Central Administrative Tribunal to pass appropriate orders within a

period of two weeks from the date of receipt of a copy of this order, without causing any delay.

6. With the above direction, this writ petition is disposed of. No costs. Connected M.Ps. are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government of Tamil Nadu
Department of Environment & Forests,
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Principal Chief Conservator of Forests, and
Head of Forest Force,
Panagal Building,
1-Jeenis Road, Saidapet,
Chennai-600 015.
 3. The Registrar, Central Administrative Tribunal,
Madras Bench
Chennai.
- + 1 cc to Ms. Selvi George, Advocate Sr.66320
+ 1 cc to Special Government Pleader SR.66487

GJ(CO)
Eu 22.12.15

W.P.NO.38496 OF 2015

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