

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. No.13587 of 2016

C.Sekar

.. Petitioner

-VS-

1.The Principal Chief Conservator of Forests,
Office at Panagal Maaligai,
Saidapet, Chennai-600 015.

2.The District Forest Officer,
Thirupathur, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to treat the period of suspension from service from 18.05.2001 till 02.01.2015 as duty period for all purpose as contemplated under Ruling 9 appended to Fundamental Rule 54(B) and in the light of the order dated 23.12.2009 passed in W.P. No.22535 of 2009 within a time limit that may be stipulated by this Court.

For petitioner : Mr.S.Mani

For respondents : Mr.N.Inbanathan,
Government Advocate (Forest)

ORDER

The petitioner C.Sekar has come to this Court, seeking a writ of mandamus directing the respondents to treat the period of suspension from service from 18.05.2001 to 02.01.2015 as duty period for all purpose as contemplated under Ruling 9 appended to Fundamental Rule 54(B) and in the light of the order dated 23.12.2009 passed in W.P. No.22535 of 2009 within a time limit that may be stipulated by this Court.

2.The petitioner, while serving as a Forest Watcher, was placed under suspension on 18.05.2001, as he has involved in a criminal case in Crime No.11 of 2001 registered on the file of Kavalur Police Station against the petitioner and another in connection with a shooting incident allegedly took place on

15.05.2001 in Mandarakuttai Forest Range of Alangayam Range. After trial, the petitioner has been convicted and sentenced to undergo five years rigorous imprisonment each and to pay a fine of Rs.5,000/- each and in default to undergo one year rigorous imprisonment, by the learned Additional District and Sessions Judge, Fast Track Court, Thirupathur, Vellore District in S.C. No.251 of 2007 dated 19.09.2008. Subsequently, by a proceedings dated 18.02.2009 passed by the second respondent, the petitioner was removed from service. However, a Criminal Appeal No.715 of 2008 filed against the order of conviction and sentence passed in S.C. No.251 of 2007 dated 19.09.2008, by the petitioner, was allowed on 18.12.2013, acquitting him by giving benefit of doubt. Subsequently, he was re-instated in service on 03.01.2015 as Forest Watcher. Now the petitioner has made a claim for regularisation on the basis of Ruling 9 of FR 54-B. In this regard, he has also given a representation dated 08.03.2015. But the same has not been considered. Therefore, he is before this Court.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who takes notice on behalf of the respondents.

4.Since the petitioner's representation dated 08.03.2015 has not been disposed of till date, the first respondent is directed to consider the said representation on the basis of Ruling 9 of FR 54-B and in the light of order dated 23.12.2009 passed in W.P. No.22535 of 2009 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

vga

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Principal Chief Conservator of Forests,
Office at Panagal Maaligai, Saidapet, Chennai-600 015.

2.The District Forest Officer, Thirupathur, Vellore District.

+ 1 cc to Mr.S.Mani, Advocate, SR 23009

+ 1 cc to Spl.Govt.Pleader, High Court, Madras SR 22927

GJII(co)
prk30/5

W.P. No.13587 of 2016