

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Contempt Petition No.679 of 2015
and
Sub.A.Nos.320 and 321 of 2015

M.Kanniyappan ... Petitioner

Vs.

1. Mr.Hans Raj Varma, I.A.S.,
Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai-9.

2. Mr.Vinoth Kumar, I.F.S.,
Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.

... Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondents for
Contempt of Court for disobedience of the order of this
Court made in W.A.No.1703 of 2014, dated 20.01.2015.

For petitioner :M/s.K.Jenitha

For respondents :Mr.M.Santhanaraman, Addl.G.P. (Forest)

ORDER

(The Order of the Court was made by Huluvadi G.Ramesh,J)

Complaining non-compliance of the order dated

20.01.2015 passed by this Court in W.A.No.1703 of 2014, the

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petitioner has filed this Contempt Petition. It is relevant

to extract the operative portion of the said order dated 20.01.2015, which reads as follows:

"9. There is no dispute that to be a Forest Watcher, one should possess physical requirement of height of 163 cms. and 79 cms. of chest with 5 cms. expansion. It appears that in the case of the writ petitioner/respondent herein, there is no deficiency in chest measurement. However, there is some deficiency in his height. The appellants have failed to establish as to how the deficiency in his height would substantially affect his performance, especially, when he has been working as Plot Watcher for the last 25 years. The appellants had, indisputably, granted the benefit to other employees. Thus, in the light of the same, we are of the considered view that the order passed by the Writ Court, which is sought to be impugned in the instant appeal, does not warrant interference in the facts of the case. However, we make it clear that the question of law involved in the case on hand is left open to be decided in the appropriate case.

10. Resultantly, the writ appeal stands dismissed with the above observation. Connected Miscellaneous Petition is closed."

2. Heard the learned counsel appearing for the parties and perused the materials available on record.

3. It appears that the petitioner has not satisfied with the requirement of height of 163 cms. for appointment to the post of Forest Watcher and when the option was given to him to opt for some other alternative post, earlier, he has not come forward with the same. However, in the circumstances, since the writ petitioner has not come with the request to consider him for his posting, it is for the respondents/State to act at a later stage, after seeking his opinion to accommodate him in the suitable post.

However, since it is stated that subsequently, the writ petitioner has given a written consent to become a Mali, it is made clear that the said request of the writ petitioner shall be considered by the respondents/State within one month from today. As it is the case of the writ petitioner that his juniors have been appointed in the post of Forest Watcher, the writ petitioner's requirement in the post of Mali, is to be considered from the date his juniors were appointed in the post of Forest Watcher and the writ petitioner's seniority has to be maintained in the manner compared to his juniors in the said post of Forest Watcher.

4. With the above observations, the Contempt Petition is closed. Consequently, sub-applications are closed.

cs

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/16/11/2016

One CC to Special Government Pleader, SR.13343/2016

One CC to M/s.K.Jenitha, Advocate, SR.13500/2016

To

1. Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai-9.

<https://hcservices.ecoarts.gov.in/hcservices> Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.