

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43309 of 2016

V.Palraj

... Petitioner

vs.

1.The Secretary to Government of Tamil Nadu,
Environment Forests,
(FR.GB) Department,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forest,
O/o. The PCCF, Panagal Building,
Saidapet, Chennai - 600 015.

3.Soil Conservation Officer,
Mettur Soil Conservation Scheme,
Salem - 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 2nd respondent to promote the petitioner as a Forest Ranger Officer from 06.11.2000 to 19.04.2002 and fix seniority along with the monetary benefits.

For Petitioner : Mr.V.Udayakumar

For Respondents : Mr.N.Inbanathan
Government Advocate (Forest)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that he joined the services of the Forest Department on 27.02.1980 after serving in Defence and he has put in 26½ years of hard, sincere and blemishless service to the satisfaction of the superior officers and retired on 31.07.2005. The petitioner would aver that while he was working as Forester, his name was considered for the post of Forest

Range Officer and not declared as Selected at Sl.No.55, vide proceedings of the second respondent dated 25.03.2000. The petitioner came to know that his selection was held over, due to the pendency of the charge memo issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, vide proceedings of the Conservator of Forests, Salem Circle dated 07.03.1996 and therefore, he filed Original Application in O.A.No.8085 of 1999 before the Tamil Nadu Administrative Tribunal and the Tribunal, vide interim order, directed the respondents to promote him, subject to the outcome of the disciplinary proceedings. Accordingly, the petitioner was promoted as Forest Range Officer, vide proceedings dated 28.03.2001 subject to the outcome of the disciplinary proceedings. The petitioner was reverted from the post of Forest Range Officer to Forester on 03.08.2001 without assigning any reason. The petitioner would further state that though the Enquiry Officer held that the charges are not proved against the petitioner, the Disciplinary Authority has sent a dissenting note and the second respondent vide, proceedings dated 28.07.2005, has not permitted the petitioner to retire on 31.07.2005. The petitioner made a challenge to the said order by filing W.P.No.2937 of 2008 praying for necessary direction to the respondents permitting him to retire from service and also settlement of retiral benefits and the Writ Petition was decided in his favour and the second respondent, vide proceedings dated 12.10.2011 has dropped the charge memo dated 07.03.1996 and permitted him to retire on 31.07.2005 and accorded promotion as per Original Selection Panel issued by the second respondent dated 25.03.2000. It is the claim of the petitioner that the pay of Thiru.Palraj, Forest Range Officer was notionally fixed in the post of Forest Range Officer on par with his junior Thiru.A.Rafi Ahamed at Sl.No.156 and the second respondent has also promoted Thiru.Velayutham, who is junior to the petitioner at Sl.No.162 in the Forester to the Promotion Panel for Ranger. Therefore, the petitioner is also entitled to be promoted as Ranger from 06.11.2000 as that of his juniors. The petitioner, in this regard, has also submitted series of representations dated 14.12.2011, 09.04.2011, 12.05.2011, 02.08.2011, 12.12.2011, 07.02.2012 and 23.05.2014 and since those representations did not evoke any kind of response, came forward with this Writ Petition.

3. Heard Mr.N.Inbanathan, learned Government Advocate (Forest), who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation along with a copy of this order as well as copies

of earlier representations to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider and pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Secretary to Government of Tamil Nadu,
Environment Forests,
(FR.GB) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
O/o. The PCCF, Panagal Building,
Saidapet, Chennai - 600 015.
- 3.Soil Conservation Officer,
Mettur Soil Conservation Scheme,
Salem - 7.

+1cc to Mr.Udayakumar, Advocate SR.73208
+1cc to the Special Government Pleader SR.73635

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