



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20504 of 2016

R.Vanaraj : Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet, Chennai - 15.

2.The Conservator of Forests,
Tirunelveli Region, Tirunelveli.

3.The District Forest Officer,
Kanyakumari Division,
Nagercoil.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to entertain the petitioner's appeal dated 21.05.2016 and dispose of the same in accordance with law, which has been preferred against the final order passed by the third respondent in Se.Mu.Order No.Pa2/9871/2015, dated 29.03.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the directing the second respondent to entertain the petitioner's appeal dated 21.05.2016 and dispose of the same in accordance with law, which has been preferred against the final order passed by the third respondent, in Se.Mu.Order No.Pa2/9871/2015, dated 29.03.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.The case of the petitioner is that the petitioner was working as a Forest Guard in the respondent Department. The third respondent suspended him from service, vide proceedings, dated 22.09.2015 and framed three charges under Section 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules and issued a charge memo and called for explanation from him, vide memo dated 05.10.2015. He submitted detailed explanation by denying entire charges. The third respondent without considering his explanation, conducted a biased enquiry and passed final order demoting him from the post of Forest Guard to Forest Watcher for a period of three years, by the order dated 29.03.2016. Aggrieved over the same, he preferred an appeal to the second respondent on 21.05.2016. As the appeal is not allegedly entertained, this writ petition has been filed.

4.The learned Additional Government Pleader would submit that the appeal filed by the petitioner will be taken on file serial wise and the same will be disposed of within a period of eight weeks.

5.Recording the submission made by the learned Additional Government Pleader for the respondents, the second respondent is directed to entertain the appeal petition filed by the petitioner on file serial wise and to dispose of the same on merits and in accordance with law, within a period of eight weeks, from the date, on which appeal is taken on file.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet, Chennai - 15.

2.The Conservator of Forests, Tirunelveli Region, Tirunelveli.

3.The District Forest Officer, Kanyakumari Division, Nagercoil.

+1 cc to The Special Government Pleader in SR.No. 64755

+1 cc to M/s.S.Sukumar, Advocate in SR.No. 63940

smn

CSL/GSV-PM/10.11.2016: 2P/6C