

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.998 of 2017

G.Palani .. Appellant/Petitioner

-vs-

1. The Principal Chief Conservator of Forests
and Head of Forest Department
Panagal Buildings
Chennai 600 015

2. The Conservator of Forest
Vellore Circle
Vellore 632 009

3. A.Manimegalai .. Respondents/Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 26.07.2017 made in W.P.No.19582 of 2015.

W.P.No.19582 of 2015:- Writ petition filed under Article 226 of the constitution of India, praying to issuance of a Writ of certiorarified Mandamus, calling for the records on the file of the 1st respondent is and by proceedings Na.Ka.No.S1/24672/2014-2, dated 30.06.2015 quash the same and allow the petitioner to be retained n his post and place.

For Appellant :: Mr.M.Ravi
For Respondents :: Mr.M.Santhanaraman
Additional Government Pleader
for R1 & R2
Mrs.Selvi George for R3/Caveator

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant and the learned counsel representing the third respondent/caveator.

2. Having heard the learned counsel for the parties, we have noticed that time has been extended by this Court for accommodating the appellant/writ petitioner for two more years, by virtue of the interim order being passed against the order of transfer. Still further time is sought for on the ground of difficulties. However, as noticed by the learned single Judge, transfer is a matter of incidence and it cannot be lightly interfered with, unless mala fide act is demonstrated. Although the department has taken a decision to transfer him long back, still the appellant/writ petitioner is seeking one more year for personal reasons and also to take care of his aged father etc. It is normally in anybody's service or life to seek for choice of place of posting that cannot be normally ignored and also preference is shown to have been given by this Court allowing the writ petitioner to continue for two more years after the transfer had taken place. The learned single Judge, having taken note of the above fact, has rejected the request of the writ petitioner for his further continuance. Since the appellant/writ petitioner so far is shown to have not reported to the place of transfer, he is given one month time from the date of receipt of a copy of this order to report for duty at the place where he has been transferred. Accordingly, in modification of the order of the learned single Judge, the writ appeal is allowed in part. Consequently, C.M.P.No.13970 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

ss

To

1. The Principal Chief Conservator of Forests
and Head of Forest Department
Panagal Buildings
Chennai 600 015

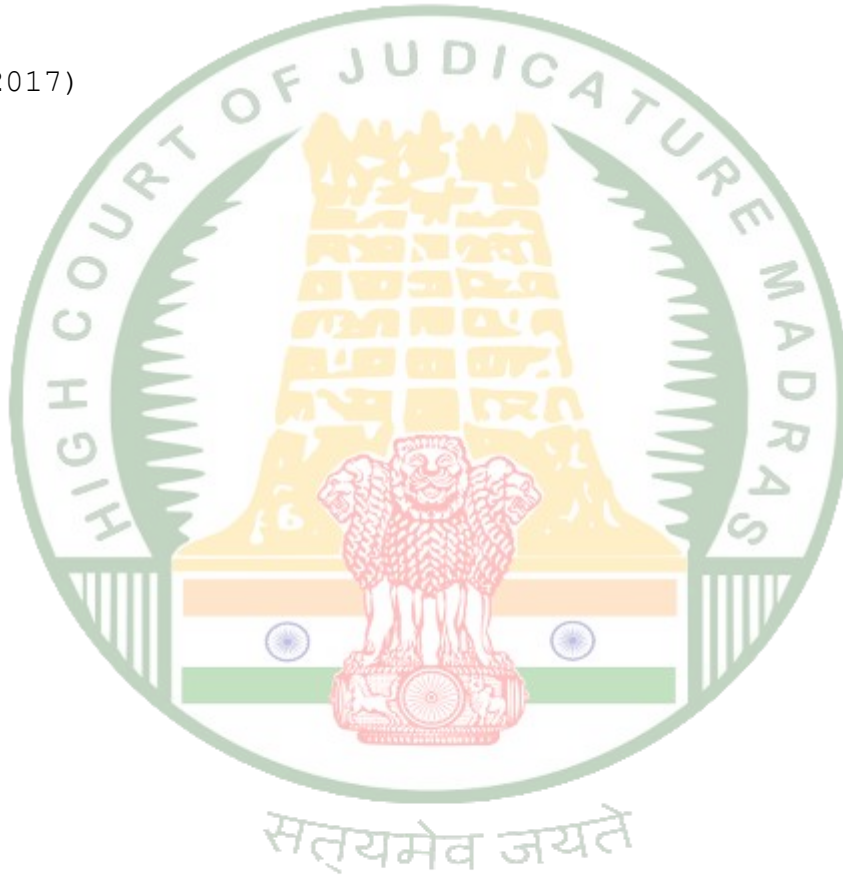
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2. The Conservator of Forest
Vellore Circle
Vellore 632 009

+1cc to Mr.M.Ravi, Advocate Sr. 60253
+1cc to Mrs.Selvi George, Advocate Sr. 60372
+1cc to the Special Government Pleader (Forest) Sr. 60456

W.A.No.998 of 2017

SCD(CO)
VR(15/09/2017)



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