

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 09.11.2017****CORAM****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN****W.A.No.153 of 2013
And
M.P.No.1 of 2013**

1.The District Forest Officer
Tiruchirappalli.

... Appellant

Vs.

1.K.Subramaniam

2.The Assistant Director,
O/o.District Employment Exchange,
Tiruchirappalli.

3.The Principal Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai – 600 009.

4.The Chief Conservator of Forest,
Forest Department,
Saidapet, Chennai – 600 015.

(RR3&4 suo motu impleaded
vide order of Court dated 06.11.2017
made in W.A.153/2013)

... Respondents

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent praying to
set aside the order dated 20.06.2012 made in W.P.No.4974 of 2007.

For Appellant :Mr.M.Santhanaraman
Additional Government Pleader(Forests)
For Respondent
No.1 :Mr.V.Ravi
For Respondent
Nos.2 to 4 :Mr.V.Anandhamurthy
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The first respondent was temporarily employed as Guard attached to 117 Infantry Battalion at Kashmir. The interview card sent to him by the District Forest Officer, Tiruchirappalli, for appointment to the post of Forest Guard was not served on him. The first respondent on receipt of information with regard to the interview card sent to him filed original application before the State Administrative Tribunal immediately. Thereafter, the original application was transferred to this Court and it was re-numbered as W.P.No.4974 of 2007.

2.The learned Single Judge by taking into account the genuineness of the claim made by the first respondent and the letter sent by the Army Authorities allowed the writ petition and directed the appellant to issue him order of appointment. Feeling aggrieved, the appellant has come up with this intra court appeal.

3.We have heard the learned Additional Government Pleader (Forests) on behalf of the appellant. We have also heard the learned counsel for the first respondent and the learned Additional Government Pleader on behalf of the respondents 2 to 4.

4.The Forest Department notified the vacancy for appointment to the post of Forest Guard. The Assistant Director, Employment Exchange, Tiruchirappalli, sponsored the name of the first respondent for appointment. Since the first respondent was working as a temporary Guard attached to the 117 Infantry Battalion at Kashmir, the interview card sent to him was returned.

5.The first respondent on his return to his native place submitted an application for renewal of his employment registration. The application was not entertained on the ground that he was issued with an interview card for the post of Forest Guard and as such, it would not be possible to renew the registration. The first respondent immediately filed original application before the State Administrative Tribunal.

6.The original application on transfer to this Court came up for

hearing before the learned Single Judge. The learned Single Judge considered the entire documents and the pleadings and allowed the writ petition.

7.The first respondent was serving at Kashmir and that was the reason for the return of the interview card sent to him. The case pleaded by the first respondent before the writ Court was supported by the letter sent by the Army Authority. The learned Single Judge was therefore correct in directing the appellant to offer appointment to the first respondent.

8.There is a subsequent event that took place during the currency of this intra court appeal. The first respondent is now over aged. The Principal Chief Conservator of Forests, with a view to appoint the first respondent as Forest Guard, by proceedings dated 07.11.2017, requested the Government to grant age relaxation. The Government has authority to relax the age in terms of Rule 4(b)(i) of the Tamil Nadu Forest Subordinate Service Rules. The Government is now seized of the matter.

9.We direct the Principal Secretary to Government, Forest and Environment Department, Government of Tamil Nadu, to process the

request made by the Principal Chief Conservator of Forests vide proceedings in Ref.No.AB2/39371/2017, dated 07.11.2017, and pass appropriate orders on merits. While passing such orders, the Government must take into account the unfortunate case of the first respondent and his loss of employment in the Forest Department on account of his work as a Guard under the Army at Kashmir during the material time. The issue relating to age relaxation should be disposed of by the Government within a period of two months from today, by taking a lenient view.

10.The appellant is directed to issue appointment orders to the first respondent immediately after the receipt of the orders regarding age relaxation.

11.The intra court appeal is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

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[K.K.S.,J.]

[P.V.,J.]

09.11.2017

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Speaking Order/ Non Speaking Order

Index: Yes / No

Internet: Yes / No

**K.K.SASIDHARAN,J.
And
P.VELMURUGAN,J.**

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To

- 1.The Assistant Director,
O/o.District Employment Exchange,
Tiruchirappalli.
- 2.The Principal Secretary to Government,
Forest and Environment Department,
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- 3.The Chief Conservator of Forest,
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