



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Tenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

WMP(MD) No.4671 of 2017
IN
WP(MD) No.5903 of 2017

T.CECIL GILBERT

... PETITIONER

Vs

1 GOVERNMENT OF TAMILNADU
REPRESENTED BY ITS SECRETARY,
ENVIRONMENT AND FOREST DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600009.

2 PRINCIPAL CHIEF CONSERVATOR OF FOREST
(HEAD OF FOREST FORCE) PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600015.

3 WILD LIFE WARDEN,
MEGAMALAI WILD LIFE DIVISION,
THENI

... RESPONDENTS

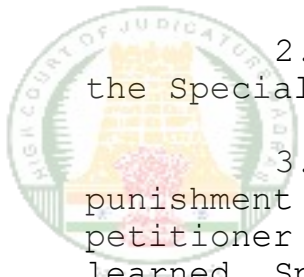
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an Interim Direction to the 1st respondent to consider the name of the petitioner for the appointment of Assistant Conservator of Forests pending disposal of the above and thus render justice.

Prayer in WP(MD). 5903/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings issued by the 2nd respondent in his proceedings No. S/M/Order No.AA1/23901/2016-9 dated 01/03/2017 and quash the same.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.MOHIDEEN BASHA, Advocate for the petitioner and of M/S.C.SELVARAJ, Special Government Pleader on behalf of the Respondents the court made the following order:-

This Writ Miscellaneous petition filed to issue an order of interim direction to the 1st respondent to consider the name of the petitioner for the appointment to the post of Assistant Conservator of Forests, pending disposal of the above the writ petition.



2. Heard, learned counsel appearing for the petitioner and the Special Government Pleader appearing for the respondents.

3. The issue involved in this matter is settled that the punishment of Censure will not stand in the way of considering the petitioner for promotion. This position has been admitted by the learned Special Government Pleader, who takes notice for the respondents. However, the learned learned Special Government Pleader has also produced a letter of the second respondent dated 06.04.2017, wherein it is stated as follows:

"Further, I am to state that according to Scheduled-XI, PART-A-I (11) of Tamil Nadu Government Servant (Condition of Service) Act 2016, "any punishment including "Censure" imposed on a member of the service after the crucial date, but before actual promotion or appointment shall be held against the member of the service and he shall not be given promotion or appointment". In this case the panel of Rangers fit for promotion as Assistant Conservator of Forests is under the active consideration of the Government. The first respondent has taken appropriate action to place the service details of the Forest Range Officer according to their seniority before the Departmental Promotion Committee under the chairmanship of Member of Tamil Nadu Public Service Commission for deciding their suitability for promotion to the post of Assistant Conservator of Forests by recruitment by transfer on merit".

4. Having regard to the position, this Court is inclined to issue an order of interim direction to the first respondent to consider the name of the petitioner for promotion to the post of "Assistant Conservator of Forests" pending disposal of the above Writ Petition, Accordingly, the Writ Miscellaneous Petition stands disposed of.

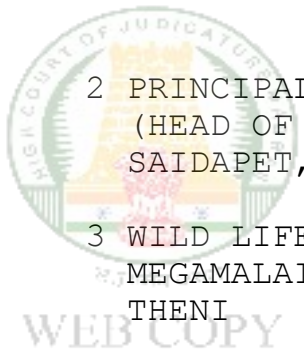
sd/-
10/04/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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REPRESENTED BY ITS SECRETARY,
ENVIRONMENT AND FOREST DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600009.



2 PRINCIPAL CHIEF CONSERVATOR OF FOREST
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THENI

+1. C.C. to M/S.N.MOHIDEEN BASHA Advocate SR.No.19813
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.19926

ORDER
IN
WMP(MD) No.4671 of 2017
IN
WP(MD) No.5903 of 2017
Date :10/04/2017

MS/PM.PN/SAR.3/17.04.2017/3P.6C