

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No. 16394 of 2014

Lakshmanan ..Petitioner

vs

The Principal Chief Conservator of Forests,
Panagal Building', Saidapet,
Chennai-600 015. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the claim of the petitioner for promotion as Asst Conservator of Forest for the panel year 2011-12 without reference to the pending criminal case in Special CC.No.3/2007 on the file of CJM, Tirunelveli and charge memo issued by the respondent in No.11007-05 (P) 04/11/2009 and promote him as Asst Conservator of Forest and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani, Senior Counseling for Mr.M.Muthappan

For Respondents : No appearance

O R D E R

The relief sought for in this writ petition is for a direction directing the respondent to consider the claim of the petitioner for promotion as Assistant Conservator of Forest for the panel for the year 2011-12 without reference to the pending criminal case in Special CC.No.3/2007 on the file of Chief Judicial Magistrate, Tirunelveli and charge memo issued by the respondent in No.11007-05 (P) 04/11/2009 and promote him as Assistant Conservator of Forest and grant him all consequential service and monetary benefits.

2. The petitioner was appointed as Forester on 16.10.1980. He was promoted to the post of Forest Range Officer on 14.12.2002. On account of certain false allegations, a criminal case was registered against the writ petitioner and the same is pending. Simultaneous departmental disciplinary proceedings are also initiated against the writ petitioner which is also pending. Under these circumstances, the present writ petition has been filed seeking a direction to the respondent to consider the case of the writ petitioner for promotion to the post of Assistant Conservator of Forest and for disposal of the criminal case as well the departmental disciplinary proceedings.

3. This Court is of an opinion that pendency of the criminal case and the disciplinary proceedings is certainly a bar for promotion in respect of the Government employees working in the State Government. In the present case on hand, both the criminal case as well as the departmental disciplinary proceedings are pending against the writ petitioner. Thus, the writ petitioner is not entitled for promotion during the pendency of the proceedings as stated above. Only in the event of

exoneration from both the criminal proceedings as well as from the departmental disciplinary proceedings, the case of the writ petitioner shall be considered for promotion in accordance with the Rules. It is brought to the notice of this Court that the writ petitioner had attained the age of superannuation and not allowed to retire from service and placed under suspension. The case of the writ petitioner cannot be considered for promotion, in view of the fact that during the preparation of panel for promotion to the post of Assistant Conservator of Forest, the writ petitioner was facing both the criminal case as well as the departmental disciplinary proceedings. Such being the factum of the case, the relief as such sought for in the present writ petition cannot be granted.

S.M.SUBRAMANIAM, J.

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4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2018

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Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

To

The Principal Chief Conservator of Forests,
Panagal Building', Saidapet,
Chennai-600 015.

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