

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27110 of 2006
and
W.P.M.P.No.1 to 3 of 2006

E.Sathiyamoorthy ... Petitioner
Vs.

The Principal Chief Conservator
of Forests,
Panagal Buildings,
Chennai - 600 015. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent herein in (1) Pro.No.T1/54559/2000 dated 31.05.2006 and (2) Pro.No.AB1/34000/2003 dated 24.11.2003, quash the order of punishment dated 31.05.2006 and quash the proceedings dated 24.11.2003 to the limited extent of non-inclusion of name in the panel for promotion as Forester for the year 2003-2004 and issue consequential direction to include the name of the petitioner in the panel for the year 2003-2004 approved in Pro.No.AB1/34000/2003 dated 24.11.2003 at SI.No.91 and to promote him as Forester with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

For Petitioner : Mr.Kumaravel
for Mr.Ravi

For Respondents : Mr.K.K.Ramesh
Government Advocate

O R D E R

The petitioner has filed the writ petition challenging the impugned order dated 31.05.2006, wherein imposed the punishment of Postponement of increment for two years without cumulative

effect and non-selection of his name as Forester in the panel for the year 2003-2004 and to issue consequential directions to the Respondent to include his name in the above said panel and promote him as Forester with retrospective effect from the date of promotion of his immediate junior.

2. The brief fact of the case is as follows:

The Petitioner joined service as Forest Watcher on 11.08.1980. Thereafter, he was promoted as Forest Guard on 16.08.1988 and he has been stagnated in the post of Forest Guard for the past nearly 18 years. Though he become fully eligible and qualified for promotion as Forester in 2003-2004, but his name was not included in the approved panel on 24.11.2003, because of the pendency of the enquiry before the Tribunal for Disciplinary Proceedings, Salem, in T.D.P.No.4/2001 for 17 B Charges.

3. Further, the petitioner was placed under suspension, against which, the petitioner filed O.A.No.6775 of 2000 on the file of the learned Tamil Nadu Administrative Tribunal and obtained an order of interim stay dated 13.09.2000. Thereafter, the petitioner was reinstated in service, based on the above interim order on 03.10.2000. Consequently a criminal case was filed against the petitioner in Cr.No.1/Ac/2000/Spl by the Vigilance and Anti-Corruption Unit, Special Cell, Salem and the petitioner was arrested on 10.07.2000 and he was released on conditional bail on 20.07.2000. Thereafter, the matter was referred to the Tribunal for Disciplinary Proceedings. The Tribunal after framing the charges, imposed the punishment of postponement of increment for two years without cumulative effect. Though effective appeal remedy available to the petitioner however he filed this writ petition on the ground that, if the appeal is filed the Government takes a minimum of 3 to 4 years for disposing the appeal against the punishment. Since the petitioner was overlooked in three successive panel from 2003-2004 onwards. Now the panel for 2006-2007 is due for promotion. Hence, this Writ Petition is filed challenging the said punishment and the consequential relief of promotion.

4. The learned counsel appearing for the petitioner would submit that though the charges were framed against him, only minor punishment was imposed on him and the petitioner suffered punishment. Since the punishment period already over now there is no legal impediment to consider him for future pormotion and hence this Court may issue direction to the respondent to consider him for promotion in future.

5. Considering the above facts and the limited prayer sought for in this writ petition, this Court permits the

petitioner to make a representation for future promotion, if the law permits, and the respondent shall consider the same and pass orders on merits and in accordance with law. Accordingly, in the above terms this Writ Petition stands disposed. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS V)

//True copy//

dh Sub Assistant Registrar

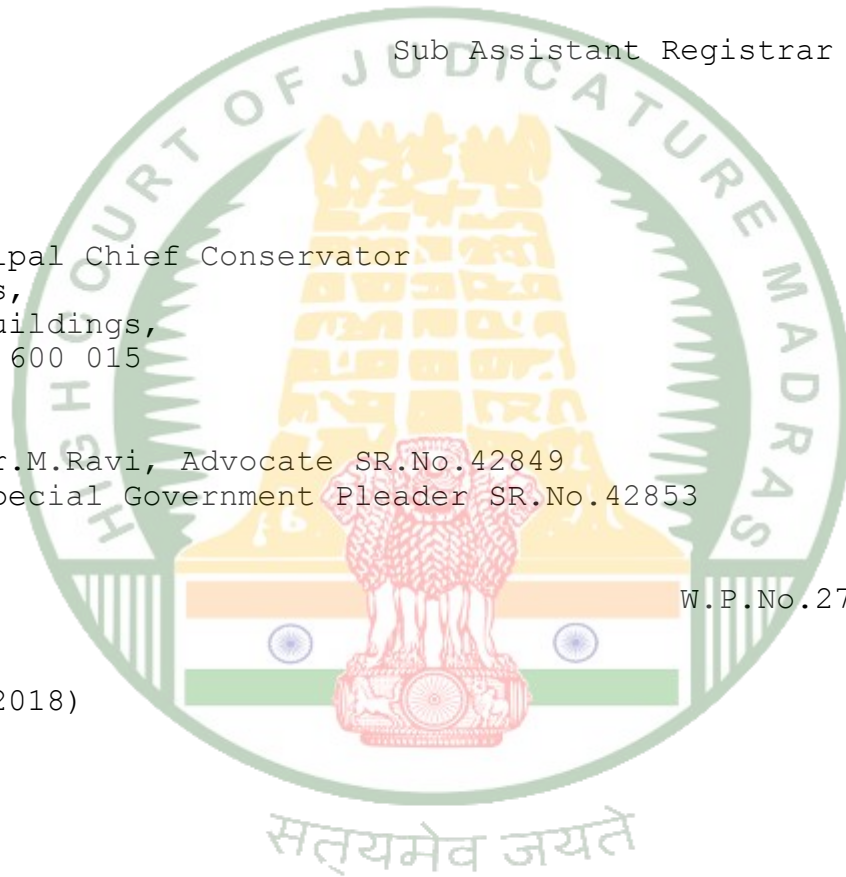
To

The Principal Chief Conservator
of Forests,
Panagal Buildings,
Chennai - 600 015

+1cc to Mr.M.Ravi, Advocate SR.No.42849
+1cc to Special Government Pleader SR.No.42853

W.P.No.27110 of 2006

GN (28/08/2018)



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