

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

Writ Petition No.28166 of 2018

I.Khader Basha

..Petitioner

..Vs..

1. The Principal Chief Conservator of Forest
and Head of Forest Department,
Chennai 600 015.

2. The Conservator of Forests,
Villupuram Circle,
No.9, Viswalingapattar Layout,
Nehruji Road,
Villupuram - 605 602.

3. The District Forest Officer,
Villupuram Division
Collectorate Master Plan Campus,
Near Circuit House,
Villupuram 605 602

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose of the appeal dated 14.03.2017 of the petitioner against the order in Pro.No.3504/2016/Pa.1 dated 29.05.2016 of the second respondent.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.M.Santhanaraman
Additional Government Pleader

O R D E R

Mr.M.Santhanaraman, learned Additional Government Pleader takes notice on behalf of the respondents.

2. By consent, this Writ Petition is taken up for hearing and disposed of at the stage of admission itself.

3. This Writ Petition has been filed seeking for a direction to the first respondent to dispose of the appeal filed by the petitioner on 14.03.2017, against the order in Pro.No.3504/2016/Pa.1 dated 29.05.2016 of the second respondent.

4. The case of the petitioner in this Writ Petition is that the petitioner, who is working as a Forest Range Officer, IFF Division, Kallakurichi, was imposed with the penalty of "Stoppage of increment without cumulative effect". Challenging the same, the petitioner has preferred an appeal before the first respondent on 14.03.2017. Since, no orders have been passed in the said appeal till date, the petitioner has come before this Court seeking for the aforesaid relief.

5. The learned counsel appearing for the petitioner would submit that since the appeal filed by the petitioner is pending with the first respondent since 14.03.2018, the first respondent is guilty of inaction, hence a direction be given to the first respondent to dispose of the said appeal, within a stipulated period.

6. The learned Additional Government Pleader appearing for the respondents, however would submit that if the appeal is pending, the same shall be disposed of within a period to be stipulated by this Court, but this Court should not put any fetter to dispose of the appeal in any particular manner, except the time limit for disposal.

7. Considering the facts and submissions made, especially the fact that the petitioner has preferred an appeal on 14.03.2017, in respect of the punishment imposed on him in the disciplinary proceeding, this Court disposes of the Writ Petition at the stage of admission itself, with a direction to the first respondent to dispose of the appeal dated 14.03.2017, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is made clear that this Court has expressed no opinion on merits of such appeal and as such there is no fetter on the part of the first respondent to dispose of the appeal, except the time limit provided. No costs.

Arr

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Chief Conservator of Forest
and Head of Forest Department,
Chennai 600 015.
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Villupuram - 605 602.
3. The District Forest Officer,
Villupuram Division
Collectorate Master Plan Campus,
Near Circuit House,
Villupuram 605 602.

+1cc to Mr.M.Ravi, Advocate S.R.No.73726

+1cc to the Spl.Govt. Pleader (Forest), S.R.No.73617

KR/14/11/18

W.P.No.28166 of 2018