

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.30927 of 2018

and

W.M.P.No.36073 of 2018

K.Sakthi Ganesh

...Petitioner

Versus

1.The State of Tamil Nadu

rep. by the Secretary to Government,
Forest Department,
Fort St.George,
Chennai-600 009.

2.The Principal Chief Conservator of Forests,

Panagal Building,
Saidapet,
Chennai-600 015.

3.The District Forest Officer,

Tiruvanamalai Division,
Tiruvanamalai.

4.The Chief Conservator of Forests,

Vellore Circle,
Vellore-9.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to conclude the disciplinary proceedings pursuant to the charge-memo dated 02.01.2018 and to promote the petitioner as Assistant Conservator of Forests without prejudice to the disciplinary proceedings in the event of the respondents being unable to complete the disciplinary proceedings.

For Petitioner : Mr.D.Jayasingh

For Respondents: Mr.M.Santhanaraman, AGP (Forests)

ORDER

This writ petition has been filed by the petitioner praying to direct the respondents to conclude enquiry in a time bound manner or to consider his case for promotion to the post of Assistant Conservator of Forests.

2. The petitioner was working as Forest Range Officer, Valparai, Coimbatore District. During the period

2014-2015, when he was working as Forest Ranger Officer, Arani, several works were carried out under NABARD Scheme. After he was transferred from Arani, he received a communication dated 26.09.2016 from the 3rd respondent enclosing the proceedings of the Chief Conservator of Forests dated 16.09.2016. The petitioner has also submitted a detailed explanation on 28.09.2016 to the 3rd respondent. Without considering the explanation of the petitioner, a charge-memo dated 02.01.2018 was issued to the petitioner by the 4th respondent. For the charge-memo, the petitioner has given a detailed reply on 29.01.2018. But, the enquiry has not been completed so far. While so, the respondents proposed to prepare the panel for promotion to the post of Assistant Conservator of Forests. Apprehending that his name might not be included in the promotion panel due to the pendency of the enquiry, the petitioner has made a representation dated 23.04.2018 to the respondents to expedite the disciplinary proceedings or in the alternative to include his name in the panel for promotion. But, there is no response from the respondents. Hence, the petitioner has filed the present writ petition for the relief as stated supra.

3.The learned Additional Government Pleader (Forest) appearing for the respondent submitted that charges framed against the petitioner are very serious and the petitioner is responsible for the shortage of Rs. 17 lakhs and it is due to the Government.

4.Considering the seriousness of charges, the respondents are directed to conclude the enquiry within a period of four months from the date of receipt of a copy of this order. If in case, it is found that the petitioner is not guilty, the petitioner shall be considered for promotion from the date on which the panel for promotion was finalised.

5.With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/--

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ogy/klt

To

1.The Secretary to Government,
State of Tamil Nadu
Forest Department,
Fort St.George,
Chennai-600 009.

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

3.The District Forest Officer,
Tiruvanamalai Division,
Tiruvanamalai.

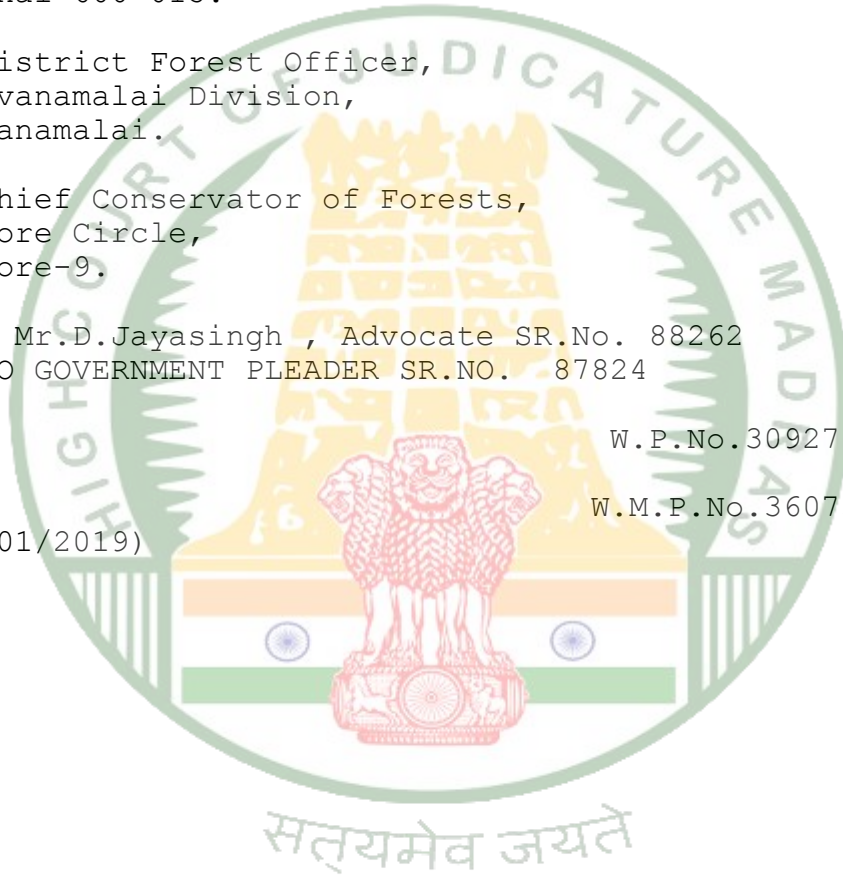
4.The Chief Conservator of Forests,
Vellore Circle,
Vellore-9.

+1cc to Mr.D.Jayasingh , Advocate SR.No. 88262
+1 CC TO GOVERNMENT PLEADER SR.NO. 87824

W.P.No.30927 of 2018
and

W.M.P.No.36073 of 2018

ASK (09/01/2019)



WEB COPY