



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.08.2018
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16140 of 2018
and
W.M.P (MD) .No.14373 of 2018

T.Captain Nepolean,
Forest Range Officer,
Vandaravu Range, Kodaikanal Wildlife Sanctuary,
Kodaikanal, Kodaikanal Taluk,
Dindigul District.

... Petitioner

Vs.

1. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Maaligai, Saidapet,
Chennai - 600 015.
2. The Chief Conservator of Forests,
Dindigul Circule, Dindigul,
Dindigul District.
3. The District Forest Officer & Wildlife Warden,
Kodaikanal Division,
Kodaikanal - 624 101,
Dindigul District.
4. The Managing Director,
Arasu Rubber Corporation Limited,
Vadasery, Nagercoil,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for records pertaining to the impugned order of the 1st respondent in Ref. No.B2/1151/2018, dated 08.06.2018 and quash the same as illegal and consequently direct the 1st respondent to allow the petitioner to continue to serve in the same place till the petitioner retirement dated 31.01.2019.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.R.Sethu Raman
Special Government Pleader for R1 to R3

Mrs.S.Srimathy
Special Government Pleader for R4

**ORDER**

The petitioner has come forward with this writ petition for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order of the 1st respondent in Ref. No.B2/1151/2018, dated 08.06.2018 and quash the same as illegal and consequently direct the 1st respondent to allow the petitioner to continue to serve in the same place till his retirement i.e., 31.01.2019.

2. According to the petitioner, he is going to be retired on 31.01.2019 and on the verge of retirement, transfer order has been issued to the petitioner on 08.06.2018 which is malafide. According to him, there was a demand of illegal bribe by the legal officer of his department, for which a complaint has been given and a case has been registered. Further, within a period of three years, he has been transferred and therefore, the transfer order is illegal.

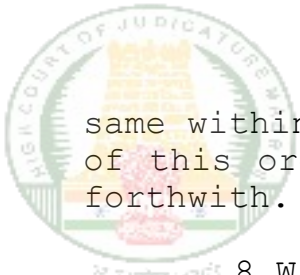
3. The respondent would contend that such incident had taken place in the year 2015 and that already a criminal case has been registered and the same is now posted for examination of PW2 in C.C.No.7 of 2016 before the Special court for Vigilance and Anti Corruption Cases, George Town, Chennai.

4. At this juncture, it is represented by the petitioner that he has not at all been examined and that he has not received any summons and the respondents are trying to protect the legal officer.

5. It is surprising as to how no summons have been issued to the complainant when he is ready and willing to give evidence. In any event, serious allegations are made against the accused. This Court expects that a logical conclusion will be brought by the Criminal Court, where the matter is pending.

6. The incident said to have taken place in the year 2015, for which the complaint had already been registered as narrated supra. Immediately, after the impugned order, the petitioner has made a representation dated 11.06.2018 to the first respondents requesting that he may be retained in the same place, as he has undergone eye surgery. The issue that the petitioner has not been called for tendering evidence cannot be gone into in this writ petition.

7. This Court is of the view that the impugned order is only an Administrative transfer and the petitioner cannot try to link the present transfer to the incident of the year 2015. Hence, I find that there is no reason to interfere with the impugned order. However, as the petitioner is at the verge of retirement, this Court is of the view that a direction may be issued to the first respondent to consider his representation dated 17.06.2018, and accordingly, the first respondent is directed to consider the representation of the petitioner dated 17.06.2018 and dispose of the



same within a period of two weeks from the date of receipt of a copy of this order and the same shall be communicated to the petitioner forthwith.

8. With the above direction, this Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Special Judge,
Special Court for Vigilance
and Anti Corruption Cases,
George Town, Chennai.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force), Panagal Maaligai, Saidapet,
Chennai - 600 015.
3. The Chief Conservator of Forests,
Dindigul Circule, Dindigul, Dindigul District.
4. The District Forest Officer & Wildlife Warden,
Kodaikanal Division, Kodaikanal - 624 101,
Dindigul District.
5. The Managing Director,
Arasu Rubber Corporation Limited,
Vadasery, Nagercoil, Kanyakumari District.

+1CC to Mr.R.Rajaraman, Advocate, SR.No. 78620
+1CC to Mrs.S.Srimathy, Advocate, SR.No. 78880
+1CC to the Special Government Pleader SR.No.78958

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