



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.08.2018

CORAM:
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.17458 of 2018

WEB COPY

A.Rajarithinam

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamilnadu,
The Ministry of Environment and Forest,
St.George Fort, Chennai.

2.The Principal Chief Conservator of Forest,
Jennis Road, Panagal Building,
Saidapet, Chennai-15.

3.The District Forest Officer,
Theni Division,
K.K.Nagar, Theni-626 331.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal preferred by the petitioner dated 09.07.2018 on merits and in accordance with law within the stipulated period.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent to dispose of the appeal preferred by the petitioner dated 09.07.2018 on merits and in accordance with law within the stipulated period.

2.Heard, Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate, appearing for the respondents.

3.The learned counsel for the petitioner would submit that, the petitioner is working as Superintendent and his next avenue of promotion is Personal Assistant. Pursuant to the disciplinary proceedings, a punishment of reduction of salary to the basic level for three months, without cumulative effect was imposed, by order dated 11.05.2018, by the second respondent. As against the said punishment, the petitioner preferred an appeal to the first respondent on 09.07.2018.



4.The learned counsel for the petitioner would submit that, though he filed an appeal on 09.07.2018, shortly, he approached this Court by filing this writ petition, because of the reason that there has been a panel for promotion to the next promotion post as on 31.07.2018, where the petitioner's name has been included, but he will not be considered for the promotion, because of the pendency of the appeal, as a currency of punishment. Only in such circumstances, the petitioner approached this Court, seeking for a Writ of Mandamus for a direction to the first respondent to decide the appeal at the earliest.

5.I have heard Mr.M.Murugan, learned Government Advocate, who would submit that, the petitioner has filed the appeal recently, ie., only on 09.07.2018, and therefore, certainly, it will take a minimum period of four months for the first respondent to decide.

6.Considering the said submissions made by both sides that the appeal was filed only on 09.07.2018, therefore, some reasonable time has to be given to the first respondent to decide the same on merits, at the same time, since, the petitioner would be affected, if he is not considered for promotion, inspite of his name has been included in the panel dated 31.07.2018, the petitioner's right would get affected and therefore, for balancing both, this Court is inclined to pass the following order:

"the first respondent is directed to consider the appeal dated 09.07.2018 filed by the petitioner, on merits and pass orders thereon within a period of three months from the date of receipt of a copy of this order."

7.With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Crl.side)

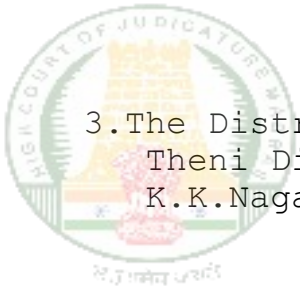
/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Principal Secretary to Government,
Government of Tamilnadu,
The Ministry of Environment and Forest,
St.George Fort, Chennai.

2.The Principal Chief Conservator of Forest,
Jennis Road, Panagal Building,
Saidapet, Chennai-15.



3.The District Forest Officer,
Theni Division,
K.K.Nagar, Theni-626 331.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 77363

+1CC to the Special Government Pleader SR.No. 77278

W.P. (MD) No.17458 of 2018
03.08.2018

PNN

ES/SKN/RSK/SAR 4/31.08.2018/3P/6C