

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.283 of 2019

and

W.M.P.297 of 2019

K.Sakthi Ganesh

...Petitioner

Vs

- 1.Government of Tamil Nadu,
Rep by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai-600 009.
 - 2.The Principal Chief Conservator of Forests,
(Head of the Forest Department)
Chennai-600 015.
 - 3.The Chief Conservator of Forests,
And Conservator of Forests in Addl. Charge,
Vellore Forest Circle,
Vellore-632 009.
- ...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent to convert the disciplinary proceedings under Rule 17 (b) on the TNCS (D & A) Rules against the petitioner in Charge Memo No.5 of 2018 dated 02.01.2018 into one under Rule 17 (a) of the TNCS (D & A) Rules and in the meanwhile to consider his name for empanelment for promotion as Assistant Conservator of Forests, notwithstanding and without considering the pendency of the said Charge Memo and the promote him as such with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Ms.M.Lalitha,
Government Advocate

O R D E R

The petitioner has come up with this writ petition to issue a direction to the respondents to consider his claim for empanelment in the ensuing panel for promotion as Assistant Conservator of Forests notwithstanding and without reference to the pendency of disciplinary proceedings initiated against the petitioner in Charge Memo No.5 of 2018 on 02.01.2018 by the third respondent.

2.It is the case of the petitioner that on the verge of his name being empanelled for promotion as Assistant Conservator of Forests by recruitment by transfer and proposals called for from Subordinate Officers by the Principal Conservator of Forests (HOD), Chennai, by proceedings dated 27.02.2018, and also his name was included at Sl.No.45 of the list enclosed thereto, the impugned charge memo has been issued alleging that he has failed to properly supervise and inspect the various scheme works pertaining to the financial year 2014-15 in Arni Forest Range and because of the same the Government has incurred a loss of Rs.17.73 lakhs. The petitioner has also made a representation dated 20.02.2018 to the respondents in respect of the prayer made in this writ petition.

3.The learned counsel for the petitioner has submitted that the charge memo has been issued after an inordinate and unexplained delay of more than three years of the alleged incident, without following the guidelines issued by the Government in Circular No.14353, P&AR (Per.N)/93-1, P&AR (Per.N) Department, dated 11.03.1993.

4.This Court has also heard Mrs.M.Lalitha, learned Government Advocate, who took notice on behalf of the respondents.

5.Considering the facts and circumstances of the case, this Court deems it fit to direct the respondents to consider the representation dated 20.12.2018 made by the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of the Forest Department)
Chennai-600 015.
- 3.The Chief Conservator of Forests
and Conservator of Forests in Addl. Charge,
Vellore Forest Circle,
Vellore-632 009.

+lcc to Mr.M.Ravi, Advocate, S.R.No.2097
+lcc to the Spl. Government Pleader, S.R.No.1834

W.P.No.283 of 2019
and
W.M.P.No.297 of 2019

sj(co)
kak(10/01/2019)



WEB COPY