



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24222 of 2019

&

W.M.P.Nos.23991 & 23992 of 2019

R.Deiva Sarma

..Petitioner

vs

1.The Govt. of Tamilnadu,
Rep. by the Secretary to Government,
Forests and Environment Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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

3.The conservator of Forests,
Chennai Circle,
Chennai - 600 006.

4.The District Forest Officer,
Thiruvallur Division,
Thiruvallur

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned passed by the 2nd respondent in his proceedings No.Se/Mu/order No:Aa.Aa2/11800/2017. dt.18.07.2018, confirming the order of the 3rd respondent made in proceedings Se.Mu./E1/4557/2014 dt.24.10.16 and quash the same as nullity and illegal.

For Petitioner

: Mr.Swamy.M.C

For Respondents

: Mr.M.Elumalai
Government Advocate



O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings No.Se/Mu/order No:Aa.Aa2/11800/2017. dt.18.07.2018, confirming the order of the 3rd respondent made in proceedings Se.Mu./E1/4557/2014 dt.24.10.16 and quash the same as nullity and illegal.

2. The case of the petitioner is that he was appointed as Junior Assistant in the Forest Department in the year 1989. The Department promoted the petitioner as Forester in the year 1993. In the year 2013, the petitioner has been promoted as Forest Range Officer in Gummidipoondi Range, Thiruvallur District. While being so, the petitioner was issued with a charge memo dated 13.01.2014, alleging that he was absent in the night duty on 12.01.2014. After conducting the enquiry, by order dated 24.10.2016, the petitioner was imposed with the punishment of stoppage of increment for two years by the Conservator of Forests, Chennai Circle, Chennai. Aggrieved by the said order, the petitioner preferred an appeal before the Principal Chief Conservator of Forests and Head of Forest Force. The Principal Chief Conservator of Forests and Head of Forest Force by order dated 18.07.2018 confirmed the order dated 24.10.2016. As against the said order, the petitioner preferred a Revision Petition before the Principal Secretary to the Government of Tamilnadu, Environment and Forests. While pending Review Petition, the petitioner filed a Writ Petition challenging the concurrent orders dated 18.07.2018 and 24.10.2016.

3. The learned counsel appearing for the petitioner would submit that though the Writ Petition has been filed challenging the order of punishment passed by the 3rd respondent and the confirmation order passed by the 2nd respondent, it would be suffice to issue direction to the 1st respondent to dispose of the Review Petition dated 29.11.2018 filed by the petitioner within a reasonable time fixed by this Court.

4. The learned Government Advocate appearing for the respondents conceded the request made by the learned counsel for the petitioner.

5. Considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 1st respondent to consider and dispose of the Review Petition dated 29.11.2018, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is seen that acknowledgment for Review



Petition is not available. Hence, the petitioner is directed to send the copy of the Review Petition dated 29.11.2018 along with this order copy to enable the 1st respondent to pass appropriate orders.

WEB COPY

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kan
To

1.The Secretary to Government,
Govt. of Tamilnadu,
Forests and Environment Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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

3.The conservator of Forests,
Chennai Circle,
Chennai - 600 006.

4.The District Forest Officer,
Thiruvallur Division,
Thiruvallur

+1cc to Mr.M.C.Swamy , Advocate SR.No. 93177

+1 cc to Spl Government Pleader Forest Sr.No. 92698

W.P.No. 24222 of 2019 &
W.M.P.Nos.23991 & 23992 of 2019

A.SK(09/01/2020)