



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20388 of 2019

W.M.P (MD) .Nos.17006 & 17008 of 2019

V.Rajagopalan

... Petitioner

-Vs-

1.The Principal Chief Conservator of Forest
Panagal Maligai, Saidapet
Chennai

2.The Conservator of Forest
N.G.O.Colony, Tirunelveli-7

3.The District Forest Officer
Kanyakumari Division, Vadasery
Nagercoil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to include writ petitioner name in the promotion panel list for the year 2018-19 to the post of Forest Range Officer within the limit fixed by this Hon'ble Court and promoted the petitioner as Forest Range Officer with all service and monetary benefits.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.C.M.Mari Chellai Prabhu,
Additional Government Pleader.

ORDER

This Writ Petition has been filed for a direction to the first respondent herein to include writ petitioner's name in the promotion panel list for the year 2018-19 to the post of Forest Range Officer, within the time limit fixed by this Court and promoted the petitioner as Forest Range Officer with all service and monetary benefits.



2.Mr.C.M.Mari Chellai Prabhu, learned Additional Government Pleader, takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was appointed as Forester in the respondent department on compassionate ground on 31.12.2010. Based on the inspection report submitted by the Assistant Conservator of Forest, Kaniyakumari Division on 01.07.2016, disciplinary proceedings were initiated against the petitioner. After enquiry, the third respondent has passed the final order of punishment imposing cost of Rs.1,42,408/-, out of which, Rs.35,610/- was imposed on the petitioner, vide his proceedings dated 31.07.2017. The petitioner accepted the said punishment with an intention to purchase peace and he has not preferred any appeal. Accordingly, a sum of Rs.3,561/- was deducted from his salary for the month of August 2017 and thereafter, the petitioner paid the remaining sum of Rs.32,049/- on 28.09.2017. While so, the first respondent preferred the panel for promotion to the post of Forest Range Officer for the year 2017-2018. The petitioner has approached the first respondent and requested to include his name in the promotional panel for appointment to the post of Forest Range Officer, without reference to the order of recovery of Rs.35,610/-. Since the said request was not considered by the first respondent, the petitioner filed W.P(MD).No.3043 of 2018, to include his name in the promotional panel.

4.In view of the punishment imposed against the petitioner, his name was not included in the promotional panel prepared for the year 2017-2018. Pending writ petition, promotional panel was finalized by the respondents and the process of granting promotion was also completed. After lapse of one year, the petitioner came to know that the first respondent going to prepare the promotional panel to the post of Forest Range Officer for the year 2018-2019. Therefore, once again the petitioner approached the respondents and requested to include his name in the promotional panel for the year 2018-2019, by taking note of the fact that the period of punishment imposed on the petitioner was completed on 28.09.2017. Further, the period of punishment was also not in force on the crucial date ie.15.08.2018 for preparing the promotional panel for the year 2018-2019. In this circumstances, the first respondent insisted the petitioner to withdraw W.P.(MD).No.3043 of 2018 to consider his case for promotion in the forthcoming promotional panel. Accordingly, the petitioner has withdrawn W.P(MD).No.3043 of 2018 and the same was dismissed as withdrawn on 06.12.2018.

5.The learned counsel for the petitioner further submitted that the third respondent has prepared the promotional panel for the year 2018-2019 to the post of Forest Range Officer, in which, the petitioner's name was not included. Hence, the petitioner has come



6.The learned Additional Government Pleader appearing for the respondents would submit that due to currency of punishment, the petitioner's name was not considered to be included in the promotional panel prepared for the year 2017-2018. If the petitioner submits representation, the same will be considered on merits.

WEB COPY

7.Considering the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, without deciding the issue on merits, the first respondent is directed to consider the representation of the petitioner to include his name in the promotional panel for the year 2018-2019 to the post of Forest Range Officer, without insisting the punishment, which was already over on 28.09.2017, on merits and pass orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Msa

To

1.The Principal Chief Conservator of Forest
Panagal Maligai, Saidapet, Chennai

2.The Conservator of Forest
N.G.O.Colony, Tirunelveli-7

3.The District Forest Officer
Kanyakumari Division, Vadasery
Nagercoil.

+1 CC to GP SR-88564.

W.P. (MD) No.20388 of 2019

W.M.P (MD) .Nos.17006 & 17008 of 2019

20.09.2019

CS(18.10.2019) 3P 5C