



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.18870 of 2016

A.Sheik Abdul Khader

...Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep. by its Principal Secretary,  
Environment and Forest Department,  
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
No.2, Geenis Road, Saidapet, Chennai - 15.

3. The Divisional Forest Officer,  
Social Forestry Division,  
Virudhunagar, Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent impugned Order dated 03.07.2015 in G.O.[D] No.141, Environment - Forest [Forest.1] Department and quash the same, consequently directing the first respondent herein to dispose of petitioner's appeal dated 01.07.2010 on merits and in accordance with law within stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Elumalai, AGP

ORDER

This writ petition has been filed to quash the order passed by the first respondent in G.O.[D] No.141, Environment - Forest [Forest.1] Department dated 03.07.2015 and consequently direct the first respondent to dispose of petitioner's appeal dated 01.07.2010 on merits and in accordance with law within a stipulated time.

2.It is the case of the petitioner that he was appointed as Forest Ranger by the order of the second respondent dated 04.10.1980 and posted at Sivakasi Social Forestry Range and



thereafter worked at various places in Tamil Nadu. While so, he was issued with a charge memo dated 03.12.1991, which ended in the punishment of stoppage of increments with cumulative effect for a period of three years, by the order of the Conservator of Forest, Tirunelveli Region, dated 29.03.1995. Challenging the said order of punishment, the petitioner preferred an appeal before the Head of Forest, Social Forestry Circle on 10.01.1997, which was rejected on 30.03.1997. Aggrieved over the same, he filed a Review Petition before the second respondent on 03.08.2005, which was also rejected on 14.08.2006. Thereafter, he preferred an appeal dated 01.07.2010 before the first respondent, which was kept pending. In the mean while, he retired from service on attaining the age of superannuation on 31.10.2007. Since the appeal was pending without any consideration, the petitioner filed WP.No.21202 of 2014, which by order dated 18.08.2014, was disposed of, directing the first respondent to dispose of the petitioner's appeal on merits and in accordance with law, within a period of four weeks. Pursuant to the same, the first respondent passed G.O.(D)No.141 dated 03.07.2015, rejecting the petitioner's appeal as time barred. Feeling aggrieved, the petitioner has filed this writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated that after rejection of the revision petition, the petitioner submitted a petition on 01.07.2010 to the first respondent; to consider the same, the first respondent called for all the relevant records from the second respondent; the second respondent reported that due to efflux of time, original records relating to this case are not traceable; in the circumstances, based on the report of the second respondent, after examining the petition dated 01.07.2010 preferred by the petitioner, the first respondent rejected the same for the reason that the petitioner submitted the petition belatedly after 4 years and hence, the petitioner case has been decided, according to the rules and regulations in force and the same warrants no interference at the hands of this Court.

4.Though the petitioner raised very many grounds attacking the order impugned herein, the learned counsel for the petitioner mainly contended that this Court on earlier occasion in WP.No.21202 of 2014, by order dated 18.08.2014, has specifically directed the first respondent to dispose of the petitioner's appeal dated 01.07.2010, on merits and in accordance with law, the first respondent by the order impugned herein, rejected the said appeal on the ground of delay and without discussing anything about the merits of the case, which is arbitrary, illegal and against the principles of law. Hence, the learned counsel submitted that it would suffice, if the first respondent is directed to reconsider the appeal dated



01.07.2010 filed by the petitioner, taking into consideration the rule position as well as the order of this Court dated 18.08.2014 in WP.No.21202 of 2014.

5.The learned Additional Government Pleader appearing for the respondents has no objection for granting such relief to the petitioner.

6.In view of the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, the order impugned herein is set aside and the matter is remanded back to the first respondent for fresh consideration, on merits and in accordance with law, without raising any issue relating to limitation aspect. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of. No costs.

s/d-  
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

vrc

To

1.The Principal Secretary,  
Government of Tamil Nadu,  
Environment and Forest Department,  
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
No.2, Geenis Road, Saidapet, Chennai - 15.

3. The Divisional Forest Officer,  
Social Forestry Division,  
Virudhu Nagar, Virudhu Nagar District.

+1 CC to Mr.M.R.Jothimanian, Advocate sr 17112.

+1 CC to The Government Pleader sr 18099.

W.P.No.18870 of 2016

PMK(CO)  
SP(23/07/2021)