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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 13338 of 2021
and
W.M.P. No.14168 of 2021

C.Gunasekaran

.. Petitioner

Versus

1. The Principal Chief Conservator of Forest
and Head of the Forest Department,
PanagalMaligai,
Saidapet,
Chennai - 600 015.

2. The District Forest Officer,
Salem Forest Division,
Salem - 7.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to order passed by 2nd respondent vide his proceedings in Pa.AA.No.123 / 2021 P2 dated 11.6.2021 transferring the petitioner from Idayapatti Forest check post, Vazhapadi forest Range, Salem Forest Division to Irattaipootu office, Government Sandalwood Depot, Salem and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.C.Kathiravan
Government Advocate

O R D E R

This writ petition is filed to quash the order of transfer dated 11.6.2021, transferring the petitioner from Idayapatti



Forest check post, Vazhapadi forest Range, Salem Forest Division to Irattapootu office, Government Sandalwood Depot, Salem.

2. The petitioner was appointed as Forest Watcher w.e.f. 03.02.1995. Thereafter, the petitioner was promoted as Forest Guard w.e.f. 29.09.2010. The petitioner and 33 other Plot Watchers have filed a writ petition in W.P. No.417 of 2012 regarding notional promotion and an order was passed on 04.06.2012. The petitioner has pleaded that the respondents have transferred the petitioner by way of punishment. Hence, the petitioner has approached this Court by filing a writ petition in W.P. No.28904 of 2019, and this Court issued a direction to the respondent therein to consider the representation of the petitioner and pass orders on merits and in accordance with law. Since no action was taken, the petitioner filed a contempt petition in Cont.P. No.85 of 2021 to implement the direction of this Court and the same is pending.

3. Learned counsel appearing for the petitioner submitted that the petitioner was transferred to the present station in the year 2018 and that the petitioner ought not to be disturbed for a period of three years.

4. Learned Government Advocate appearing for the respondents submitted that the earlier order of transfer was on the request of the petitioner and that the impugned order transferring the petitioner to Irattapootu office, Government Sandalwood Depot, Salem, is purely on administrative grounds. He further states that the petitioner has been working in the check post at various stations and that the present impugned order of transfer cannot be interfered as this will affect the efficiency and administration of the Forest Department.

5. Considering the sequence of events, this Court is unable to find any mala fides. The impugned order is an order of simple transfer. From the order, there is nothing to indicate that the petitioner was transferred by way of punishment. This Court and the Hon'ble Supreme Court have held in several number of cases that transfer is an incident of service and a person can be transferred due to administrative exigencies within Rules. Except bald allegation that the transfer was by way of punishment and with mala fide intention, this Court is unable to find any substance. As it is contended by the learned Government Advocate that the petitioner worked in several check posts earlier, the order of transfer, certainly, cannot be opposed merely on the ground of mala fide without there being any supporting material.

6. This Court finds no merit in the writ petition and is



dismissed accordingly. No costs. Consequentially, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

bkn

To

1. The Principal Chief Conservator of Forest
and Head of the Forest Department,
PanagalMaligai,
Saidapet,
Chennai - 600 015.
2. The District Forest Officer,
Salem Forest Division,
Salem - 7.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.29627
+1cc to the Government Pleader, S.R.No.30336

W.P. No. 13338 of 2021

GPL (CO)
SU (26/07/2021)