



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.968 of 2011

V.Muniyamuthu

... Petitioner

Vs.

The Managing Director,
Tamil Nadu Forest Plantation Corpn. Ltd., (TAFCON),
Trichy - 101. ... Respondent

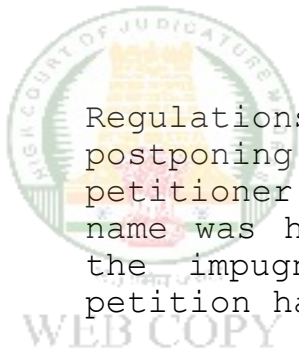
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned orders in and by his proceedings No.8457/2010/E1 dated 27.10.2020 and to quash the same to the limited extent of holding over the petitioner's empanelment and promotion to the post of Ranger and consequently direct the respondent to appoint the petitioner by promotion by transfer to the cadre of Ranger from the date of such promotion of his immediate junior with all consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.T.S.Mohamed Mohidheen

ORDER

The case of the petitioner is that the petitioner was appointed as Forester in the respondent/Corporation in the year 1975. He rendered service for a period of 35 years. He has not offered any promotion. By virtue of his seniority, he came within the zone of consideration for empanelment and promotion to the post of Ranger in the year 1998 itself. Though the petitioner's name was included in the successive panels, the petitioner was not granted promotion, since the petitioner did not pass the departmental test. The petitioner passed the department test in Office Procedure and Account Part I & II in the year 2002. Since the petitioner did not pass the Forest Law exam, his name was not included in the promotion panel for the year 2002. The petitioner passed the Forest Law examination in the year 2005. In the meanwhile, the petitioner attained the age of 53. Hence, he is eligible for promotion by way of exemption. However, disciplinary proceedings were initiated against the petitioner under Regulation 56(A) of the TAFCON Service



Regulations vide proceedings No.1897/04/Pa. dated 31.01.2008 by postponing the increment for a period of one year. Though the petitioner passed the departmental examination, the petitioner's name was heldover for the post of Ranger by way of promotion vide the impugned order. Challenging the same, this present writ petition has been filed.

2.The learned counsel for the petitioner submitted that though the petitioner completed departmental examination in the year 2010 and all the punishments are over in the year 2009 itself, the petitioner was not granted any promotion. Though the petitioner passed the departmental examination and there is no punishment pending against the petitioner, the petitioner name was held over for the promotion to the post of Ranger is illegal and wanted this Court to quash the impugned order.

3.The learned counsel for the respondent submitted that during his service the petitioner was punished for 15 times and the petitioner was undergoing punishment in the year 2011 also. Hence, the name of the petitioner for empanelment and promotion to the post of Ranger was heldover. Therefore, the petitioner is not eligible for promotion to the post of Ranger and the writ petition is liable to be dismissed.

4.Considering the facts and circumstances of the case, the fact in the present is not disputed. Though the petitioner claim that all punishments were completed in the year 2009 and the petitioner completed his departmental examination in year 2010, on perusal of the counter affidavit, it is seen that the petitioner is undergoing punishment. Paragraph 2 of the counter affidavit reads as follows:-

Sl. No	Nature of punishments	Date of Commencement of punishment	Date of completion of punishment	Remarks
01	Corporation loss on illicit felling ordered for Rs.39,223/- recovery in Regional Manager, Aranthangi Proc. No.5668/2003 (E), dated 02.09.2005.	09/2005	10/2010	Recovery not completed
02	Corporation loss Rs.4560/- ordered for recovery in Regional Manager, Aranthangi Proc. No.10/2004 (L), dated 26.12.2005.	02/2006	05/2006	Recovery completed, but within check period



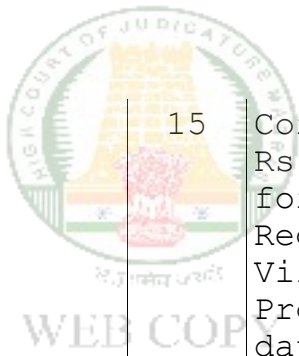
WEB COPY

03	Corporation loss on illicit fellings for Rs.2,500/- ordered recovery in Regional Manager, Villoupuram Proc. No205/2006(L), dated 28.04.2006.	05/2006	10/2006	Recovery completed but within check period
04	Next increment postponed for 6 months without cumulative effect in Regional Manager, Villupuram Proc.No.3082/2006(E), dated 09.12.2006.	10/2001	03/2012	Punishment is undergone
05	Award Censure in Regional Manager, Villupuram Proc.No.5963/2006E, dated 09.12.2006	09/2006	12/2007	Punishment completed, but within check point
06	Corporation loss for Rs.8,750/- ordered for recovery in Regional Manager, Villupuram Proc. No.6459/2006(E), dated 24.04.2007	08/2008	04/2009	Recovery completed, but within check period
07	Next increment postponed for 3 months without cumulative effect in Regional Manager, Villupuram Proc.No.6661/2005(M), dated 26.04.2007.	04/2012	06/2012	Punishment is undergone
08	Corporation loss for Rs.2,090/- ordered for recovery in Regional Manager, Villupuram Proc.No.5989/2006(M), dated 29.01.2008.	08/2008	12/2008	Punishment completed, but within check point



WEB COPY

09	Next increment postponed for one year months without cumulative effect in Regional Manager, Aranthangi Proc. No.1897/2004 (E) , dated 31.01.2008.	07/2011	06/2012	Punishment is undergone
10	Corporation loss for Rs.39,462/- ordered for recovery in Regional Manager, Villupuram Proc.No.6230/2006 (M) , dated 26.06.2008.	08/2008	09/2010	Punishment is undergone
11	Corporation loss for Rs.6,911/- ordered for recovery in Regional Manager, Villupuram Proc.No.246/2006P, dated 30.06.2008.	08/2008	05/2009	Recovery completed but within check period
12	Corporation loss for Rs.31,807/- ordered for recovery in Regional Manager, Pudukkottai Proc.No.6471/1997E, dated 30.06.2008.	07/2010	10/2011	Punishment is undergone
13	Next increment postponed for two years without cumulative effect in Regional Manager, Villupuram Proc.No.2038/2007 (E) , dated 29.07.2008.	07/2012	06/2014	Punishment is undergone
14	Corporation loss for Rs.202903/- ordered for recovery in Regional Manager, Villupuram Proc.No.3309/2008P, dated 03.08.2009.	11/2010	02/2015	Punishment is pending



15	Corporation loss for Rs.36822/- ordered for recovery in Regional Manager, Villupuram Proc.No.403/2009E, dated 30.11.2009.	12/2009	12/2010	Punishment is undergone
----	---	---------	---------	-------------------------

5.It is seen therefrom that the petitioner suffered punishment in the year 2010, 2012, 2014 and 2015. Since the petitioner is undergoing punishment, the petitioner is not entitled for promotion. Therefore, the order impugned in the writ petition does not call for any interference. It stands confirmed. The writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Managing Director,
Tamil Nadu Forest Plantation Corpn. Ltd., (TAF CORN),
Trichy - 101. `

**W.P(MD)No.968 of 2011
22.01.2021**

MJ(CO)
TR(16.03.2021) 5P 2C