



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.12382 of 2021

WEB COPY

S.Manikandan

... Petitioner

vs.

1. The Principal Secretary to Government,
Environment, Climate Change and Forest Department,
Chennai.
 2. The Additional Principal Chief Conservator of Forest (Admin),
No.1, Jennis Road,
Panagal Maligai,
Saidapet, Chennai - 600 015.
 3. The Chief Conservator of Forest,
Trichy Circle,
Senthooram Street,
J.K.Nagar, Trichy - 23.
 4. The District Forest Officer,
Trichy Division,
Court Complex,
Cantonment, Trichy.
 5. The District Forest Officer and Wild Life Warder,
Nagapattinam Division,
Collectorate Complex,
Nagapattinam.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider the petitioner's appeal dated 15.02.2021 preferred against the impugned order, dated 27.01.2021 in Sa.Mo.Aa.No.6567/2018/Pa1, issued by the fourth respondent.

For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the third respondent to dispose of the appeal, dated 15.02.2021, preferred against the impugned order, dated 27.01.2021 issued by the fourth respondent, within a time frame to be fixed by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, he was appointed as junior Assistant on 26.03.1991 and got promotion to the post of Assistant on 04.03.2002 and the petitioner was transferred to the fourth respondent office on 17.10.2013. During his tenure at the fourth respondent's Office, the petitioner was not allowed to do any work. While so, the fourth respondent issued a charge-memo, dated 09.11.2017 under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the petitioner submitted his explanation. Thereafter, the petitioner sent a detailed representation to the third respondent stating the situation prevailing in the fourth respondent Office and the life threat given by the fourth respondent. Further, the petitioner has also sent an application for mutual transfer to the third respondent on 23.02.2018. Based on the direction of the third respondent, the petitioner joined duty before the fifth respondent on 19.03.2018. Aggrieved by the said requisition of the petitioner, the fourth respondent passed the impugned order, dated 28.04.2018, stating that "the increment for 2 years will be suspended". While so, the fourth respondent, based on the report of the Enquiry Officer, dismissed the petitioner from service by the impugned order, dated 27.01.2021. Challenging the same, the petitioner preferred an appeal before the third respondent on 15.02.2021. The appeal is still pending with the third respondent and so far, no order has been passed by the third respondent. Hence, the petitioner has come out with the present Writ Petition.

4. Taking into consideration the fact that the petitioner's appeal, dated 15.02.2021, is pending before the third respondent, without deciding the issue on merits, the third respondent is directed to dispose of the appeal, dated 15.02.2021 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 /

<https://hcservices.apnorte.gov.in/hcservices/>



To

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- +1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-23450[F] dated 22/07/2021)
- +1 CC to M/s.SPL GP (SR-23716[F] dated 23/07/2021)

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