



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.15530 of 2018

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A.Manimaran

... Petitioner

/Vs./

- 1.The State of Tamil Nadu
represented by its Secretary,
Department of Environment and Forest,
St. George Fort,
Chennai 600 009.
 - 2.The Principal Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai 600 015.
 - 3.The Chief Conservator of Forest,
Kalakkadu Mundanthurai Tiger Forest Reserve,
Tirunelveli District.
- ... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's name for promotion panel issued by the second respondent vide his communication, dated 27.02.2018 in Ref.No.AA1/37370/2017 to the post of Assistant Conservator of Forest without reference to the pendency of the disciplinary proceedings dated 18.11.2014 in Roc.No.A2/208/2014 TDP No.5/2014.

For Petitioner	: Mr.M.C.Swamy
For Respondents	: Mr.D.Sadiq Raja
	Additional Government Pleader

O R D E R

Heard Mr.M.C.Swamy, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

2. The petitioner seeks a Mandamus directing the respondents to consider his name for promotion panel for the year 2017 - 2018 without reference to disciplinary proceedings initiated vide Roc.No.A2/208/2014 TDP No.5/2014 dated 18.11.2014.



3. The disciplinary proceedings were themselves, the subject matter of challenge in W.P.(MD).No.3975 of 2015, and by order dated 25.04.2019, a learned single Judge of this Court has allowed the writ petition partly setting aside charge memo dated 18.11.2014.

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4. Incidentally, a direction has been issued to the Principal Conservator of Forests, Chennai arrayed as R2, to dispose the appeal preferred by the petitioner on 24.03.2014, within a period of twelve weeks from date of receipt of a copy of that order.

5. With the setting aside of charge memo dated 18.11.2014, there is no impediment caused for the consideration and possible inclusion of the petitioner's name to the promotion panel under communication of R2 dated 27.02.2018, subject to his being qualified in all other relevant respects.

6. Let the above examine be concluded and a speaking order be passed in this regard by R2, after consideration of all eligible criteria, within a period of six weeks from today.

7. This Writ Petition stands disposed, as above. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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

1.The Secretary,
State of Tamil Nadu,
Department of Environment and Forest,
St. George Fort,
Chennai 600 009.

2.The Principal Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai 600 015.

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



3.The Chief Conservator of Forest,
Kalakkadu Mundanthurai Tiger Forest Reserve,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-37935[F] dated 09/12/2021)

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-37967[F] dated 09/12/2021)

W.P. (MD) No.15530 of 2018

08.12.2021

RD(21.12.2021) 3P 6C