



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13549 of 2022

and

W.M.P.No.12749 and 12750 of 2022

R.Umapathy

...Petitioner

Vs.

1. The Principal Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai.
2. The Conservator of Forests,
Salem Circle, Cherry Road,
Salem - 636 007.
3. The District Forest Officer,
Salem Division, Gandhi Road,
Salem - 636 007.
4. The Conservator of Forests and
Field Director,
SMTR Circle, Madurai.
5. S.Palanivel,
Ranger, Ariyalur,
Trichy Circle, Trichy.

...Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for records relating to the order of the 1st respondent made in Ref.No.B2/0157/2022-45 dated 20.05.2022, to quash the same.

For Petitioner : Mr.L.Chandrakumar

For R1 to R4 : Mr.T.Chezhiyan
Additional Government Pleader

For R5 : Mr.M.R.Jothimanian



O R D E R

This Writ Petition has been filed seeking to issue a Writ of Certiorari, calling for records relating to the order of the 1st respondent made in Ref.No.B2/0157/2022-45 dated 20.05.2022, to quash the same.

2. According to the petitioner, the petitioner was working as Forest Ranger Officer, Yercaud Range, Salem from the year 2021. Thereafter, by the Proceedings in Ref.No.B2/0157/2022-45, dated 20.05.2022, the 1st respondent has transferred the petitioner from Salem Circle to SMPR Circle, Madurai. According to the petitioner, the 1st respondent by the Proceedings in Ref.No.B2/8921 dated 20.04.2022, a Committee has been constituted for transferring the officials only to those who had completed three years of service in the same station. The petitioner has completed one year and four months in the present station i.e., January 2021 to May 2022. Therefore, according to the petitioner, the impugned transfer order passed by the 1st respondent is violative of proceedings dated 20.04.2022 issued by the 1st respondent and therefore, the said impugned transfer order is illegal and requires interference of the said order by quashing the impugned order and allowing the petitioner to continue his duty in the same place.

3. The learned counsel appearing for the petitioner contended that the petitioner has two children viz., U.Gokul is doing his first year MBBS in Salem and U.Surya is doing his +2 in Central Public School, Salem. Therefore, at this stage, the impugned transfer order creates hardship of the petitioner and his family members. Further, the learned counsel appearing for the petitioner has specifically raised a ground in the writ petition that in order to accommodate the 5th respondent and at the request of the 5th respondent, the impugned transfer order has been passed. Therefore, the said impugned transfer order is liable to be quashed.

4. The 2nd respondent has filed counter affidavit, wherein it has been stated that the said impugned transfer order has been passed by the 1st respondent only on administrative ground. Further, stated that there is no vacancy in the Salem Circle at the time of issuing the impugned transfer order to the petitioner. Therefore, he was transferred to out of Salem Circle. There is no ground raised by the petitioner in order to accommodate the private respondent and at the time of passing the said impugned transfer order. Therefore, there is no merit in the writ petition and the same is liable to be dismissed.

5. At this stage, it is brought to notice of this Court that there is one vacant in the post of Forest Range Officer, Salem



Division in view of one V.P.Subramaniam relieved from the said place.

6.Considering the fact, the learned counsel appearing for the petitioner make a request that the petitioner has to consider and to accommodate him in the vacancy arose due to relieve of one V.P.Subramaniam from the aforesaid Division.

7.The learned Additional Government Pleader appearing for the 1st to 4th respondents submitted that due to the relieving of one V.P.Subramaniam, the aforesaid place is still vacant. Therefore, the request of the petitioner will be considered by the respondents by considering the grievance of the petitioner, as averred in the affidavit.

8.In view of the above submissions made by the parties and considering the facts and circumstances of the case, this Court feels that no prejudice caused to the respondents to accommodate the petitioner in the aforesaid vacancy caused due to relieve of one V.P.Subramaniam. Therefore, this Court is inclined to direct the 1st respondent to consider the request of the petitioner, positively to accommodate him in Salem Division in view of relieving of one V.P.Subramaniam, within a period of three weeks, from the date of receipt of a copy of this order.

9.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Principal Chief Conservator of Forests,
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Chennai.
2. The Conservator of Forests,
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Salem - 636 007.
3. The District Forest Officer,
Salem Division, Gandhi Road,
Salem - 636 007.



4. The Conservator of Forests and
Field Director,
SMTR Circle, Madurai.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.38775

+1cc to M/s.M.R.Jothimanian, Advocate, S.R.No.39154

+1cc to the Government Pleader, S.R.No.39897

+1cc to the Special Government Pleader (Forests) S.R.No.38914

W.P.No.13549 of 2022

SR-II(CO)

RGA(29/06/2022)