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Cont.P.No.1695 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No.1695 of 2021

1.C.Annamalai

S/o. Chokkalingam,
Forest Watcher, Polur Range,
Tiruvannamalai North,
Vellore.

2.V.Jayapal,

S/o.Vediappan,
Forest Watcher,
Muthumalai Tiger Sanctuary,
Karudi Range, Nilgris Division.

.. Petitioners

Versus

1.Dr.Supriya Sahu, IAS,

The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.Dr.Ashok Upreti, IFS,

The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai 600 015.

.. Respondents

Petition filed under Section 11 of the Contempts of Court Act, 1971, to

punish the respondents for wilful disobedience of the order of this Court in W.P.

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



No.2141 of 2019 dated 28.01.2019.

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For Petitioners : Mr.A.Ramesh
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader (Forest)

ORDER

This Contempt Petition has been filed by the petitioners for the alleged disobedience of the order of this Court dated 28.01.2019 passed in W.P.No.2141 of 2019.

2.When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that the order of this court has been complied with. In support of the same, he has also produced copies of the proceedings passed by the second respondent, the relevant portion of which, is usefully extracted below:

Proc.No.AB2/4640/2019-1 dated 22.02.2022 in respect of the first petitioner viz., C.Annamalai:

“8)...Therefore, according to rules in force, the writ petitioner is considered and his name is included in the panel for the year 2003-04, with his immediate junior as in column -6 above.

9)The writ petitioner is eligible for notional pay fixation on the date of his immediate junior joined in the post of Forest Guard. His pay shall be fixed from the date of joining of his immediate junior with financial effect from the date in which he actually assumed



charge of the post of Forest Guard as per provisions under rule 27(17) of Fundamental Rules.

10)The above order is purely temporary subject to the outcome of the result of the orders in WP(MD)No.20788/2019, WP(MD)No.21180/2019, WP(MD)No.21195/2019 which are pending before Hon'ble Madurai Bench of Madras High Court and pending Special Leave Petition No.19254/2018, 29396/2018 before Hon'ble Supreme Court of India. Hence, it will not confer him any right of further promotion, any right of seniority and consequent pay revision. The seniority as stated above is liable for revision at a later date and is subject to reversion depending on the outcome of the above said cases.”

Prof.No.AB2/4640/2019-2 dated 21.02.2022 in respect of the second petitioner viz., V.Jayapal:

“7)The representation of Thiru V.Jayapal, Forest Watcher (Rtd) has been examined based on the direction of the Hon'ble High Court dated 28.1.2019 and as per orders issued in Government letter No.17643/FR2(II)/2015-5, dated 22.05.2017 and Principal Chief Conservator of Forests ref.No.LL1/12611/2014 dated 08.06.2017, the seniority of Thiru V.Jayapal Forest Watcher (Rtd) has been refixed with effect from 24.01.1995.

8)The representation of Thiru V.Jayapal Forest Watcher (Rtd) dated 09.04.2019 to consider the request of the petitioner seeking promotion in the post of Forest Guard on par with junior from 31.05.2004 is not feasible for compliance for the following reasons:-



(i)Thiru V.Jayapal Forest Watcher (Rtd) has been selected as Forest Guard for the panel year 2010-11 and allotted to Mudumalai Tiger Reserve, Ooty Circle. Since, he had relinquished his promotion of Forest Guard post permanently, the above selection order was cancelled vide Principal Chief Conservator of Forests, proceeding No.AB2/48066/2010 Date: 31.05.2012 and he retired on superannuation on 31.03.2015 as Forest Watcher. Hence, the petitioner request for promotion as Forest Guard for the panel year 2003-04 is hereby rejected.”

3.The aforesaid submissions have been fairly conceded by the learned counsel for the petitioners.

4.Recording the above, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

msr/vkr

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/27/05/2022



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- To
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 - 2.The Principal Chief Conservator of Forests,
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