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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26982 of 2021

and

W.M.P.Nos.28414 and 28415 of 2021

S.Dhivakaran

... Petitioner

vs.

1.The Principal Chief Conservator of Forests,
(Head of the Department),
Chennai - 600 015.

2.The Chief Conservator of Forests/Field Director,
Sathiyamangalam Tiger,
Reserve,
Erode - 638 004.

3.The District Forest Officer,
Erode Division,
Erode.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the Order in S.O.No.Pa.1/62/2021 (Na.Ka.No.6289/2020/Pa.1) dated 13.07.2021, to quash the same in so far as it relates to the petitioner herein and to issue consequential directions to the respondents to allow the petitioner to continue to serve in Anthiyur Range, Erode Division.

For Petitioner : Mr.P.Kumaravel

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The petitioner has challenged the impugned transfer order
in S.O.No.Pa.1/62/2021 (Na.Ka.No.6289/2020/Pa.1), dated



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13.07.2021 passed by the 2nd respondent by which transferred the petitioner from Athani West Beat in Anthiyur Range, Erode Division to Aasanur Division and seeking consequential direction to the respondents to allow the petitioner to continue to serve in Anthiyur Range, Erode Division.

2. The learned counsel appearing for the petitioner would submit that the petitioner has not joined in the said transferred place and he has applied for leave on medical ground. He would further submit that the said transfer order is violative of the transfer policy of the Government. Therefore, he made a representation dated 27.10.2021 to the 1st respondent to permit him to continue to serve at Anthiyur Range, Erode Division.

3. The learned counsel appearing for the petitioner would further submit that the said representation to be considered by taking note of the Government Order in G.O.Ms.No.10, Personnel and Administrative Reforms Department, dated 07.01.1994.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner did not report duty in the said transferred place. Therefore, he prays that the instant writ petition liable to be rejected.

5. Heard both sides and perused the materials available on record.

6. The aforesaid impugned transfer order cannot be challenged by the petitioner in the light of the decisions of this Court, unless the said transfer order is mala fide or without following the procedure. Insofar as non-reporting the duty is concerned, it is for the respondents to take appropriate action against the petitioner. The issue involved in this writ petition only in respect of consideration of the representation of the petitioner.

7. In the light of the above said submission of the parties and taking note of the fact, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 27.10.2021 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Dm

To

1.The Principal Chief Conservator of Forests,
(Head of the Department),
Chennai - 600 015.

2.The Chief Conservator of Forests/Field Director,
Sathiyamangalam Tiger, Reserve,
Erode - 638 004.

3.The District Forest Officer,
Erode Division, Erode.

+1cc to the Government Pleader SR.No.35546

+1cc to Special Government Pleader (Forest), SR.No.35655(05/07/22)

W.P.No.26982 of 2021

SSI(CO)
GN(30/06/2022)