



W.P.(MD)No.11090 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11090 of 2022

and

W.M.P(MD)Nos.7947, 7948, 7950 & 12836 of 2022

K.J.Shanthakumar

... Petitioner

Vs

1.The Principal Chief Conservator of Forest,
Office of the Principal Chief Conservator of Forest,
Chennai.

2.The Conservator of Forest,
Office of the Conservator of Forest,
Villupuram Circle,
Villupuram District,
Villupuram.

3.The District Forest Officer,
Office of the District Forest Officer,
Theni Forest Division,
Theni District,
Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Ref.No.B2/0157/2022-23 dated 20.05.2022 and consequential impugned order of the third respondent in



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Na.Ka.No.5488/2022/Pa1 dated 21.05.2022 and that of the second respondent in Employment Order No.33/2022/Pa dated 21.05.2022 and quash the same.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for Mr.K.Appadurai

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2. The writ petitioner was working as Forester in Theni Circle. He was promoted as Forest Range Officer and posted at Villupuram Circle vide proceedings dated 20.05.2022 issued by the Principal Chief Conservator of Forest. The said order was put to challenge in this writ petition. This Court vide order dated 09.06.2022 granted an order of interim stay on the ground that in the transfer order, no specific place of working was mentioned. Instead of complying with the said interim order, the petitioner was posted at Cuddalore Range. That led to the filing of Contp(MD)No.1233 of 2022.

3. When this Court had granted an order of interim stay the question of posting the petitioner at Cuddalore instead of reposting him at Theni Circle



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prima facie appears to be an act of contempt. However, the learned Senior Counsel submitted that he would not pursue the contempt petition and be satisfied if the petitioner's request for posting in a nearby circle is considered.

4. Coming to the merits of the matter, I am of the view that there is no substance in the contention that non specification of the place of working would invalidate the transfer order. The transfer order dated 20.05.2022 clearly mentioned that he has been transferred to Villupuram Circle and necessary posting order will be issued by the Conservator of Forest in the existing vacancy place or vacancy created due to transfer of incumbants. In other words, the mandate given to the petitioner was to report to the headquarters at Villupuram Circle. His posting would be decided later. The petitioner can complain only if he is not paid the monthly salary. So long as the petitioner's monthly salary is guaranteed he cannot have any grievance. Therefore, the contention advanced by the writ petitioner does not appeal to me. The transfer order impugned in this writ petition is sustained. The petitioner shall report for duty forthwith and join in the place in respect of which posting order is be issued. The petitioner is permitted to submit representation to the first respondent. The first respondent shall take note of the contents set out therein and consider posting the writ petitioner in a nearby circle. The order to be passed on the proposed representation cannot be questioned.



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5. This writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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Office of the Conservator of Forest,
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G.R.SWAMINATHAN, J.

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