



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.14452 of 2021

A.Muthukumar

... Petitioner

Vs.

1.The Secretary

Environment and Forest,
Chennai 9

2.The Principal Chief Conservator of Forests,
Saidapet, Chennai 15

3.The District Forest Officer,
Tirunelveli District
Tirunelveli.

4.The District Forest Officer,
Tirupathur Division,
Thirupathur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent Nos.3 and 4 to issue respectively the necessary relieving order as well as the posting order to the petitioner by treating the period from 16.03.2018 to the date of issuance of the posting order as the duty period with all monetary benefits and to consider for reposting the petitioner in the available vacancies within Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Ramesh,
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondent Nos.3 and 4 to issue respectively the necessary relieving order as well as the posting order to the petitioner by treating the period from 16.03.2018 to the date of issuance of the posting order as the duty period with all monetary benefits and to consider for reposting the petitioner in the available vacancies within Tirunelveli District within the time stipulated by this Court.

2. The petitioner was working as Junior Assistant. A criminal case was registered against him in Crime No.245/2006 under Sections 294(b), 506(i) IPC r/w 3(i)(r)(s) and 3(ii)(v)(a) of SC/ST Amendment



Act 2015 on the file of the Perumalpuram Police Station.

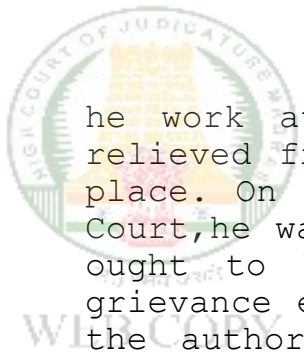
3. The petitioner was placed under suspension, as he was arrested. The order of suspension was challenged by the writ petitioner by filing W.P.No.23243 of 2017. The suspension order was quashed by this Court on 23.01.2018 and the respondents were directed to reinstate the petitioner into service. The third respondent revoked the order of suspension in proceedings dated 16.03.2018. The second respondent issued proceedings dated 04.04.2018 transferring the writ petitioner and allot him to Vellore Circle. The petitioner states that he has not received any posting order and therefore, he filed the present writ petition.

4. In this regard, the learned Special Government Pleader relying on the counter statement made a submission that pursuant to the revocation of suspension order, posting order was issued by the Principal Chief Conservator of Forests, Chennai, directing the petitioner to report to Vellore Circle and it was sent by RPAD on 23.04.2018. But the petitioner did not come forward to hand over the charge and report to the new post at Vellore Circle.

5. In view of the fact that the petitioner was arrested and in custody for more than 48 hrs., due to registration of the criminal case, the District Forest Officer, Tirunelveli Division directed another seat Assistant to take charge of the seat held by the petitioner from 15.04.2016. Thus, the petitioner was relieved from duty on 15.04.2016. Pursuant to the order of suspension issued, on reinstatement, he was allotted to Vellore Circle by the order of the Principal Chief Conservator of Forest, Chennai, which was communicated to the writ petitioner through registered post.

6. It is stated that necessary posting allotment order has been sent to the petitioner from the second respondent in reference No.W1/27304/2017 dated 04.04.2018. On receipt of the said allotment order, the petitioner submitted representation on 07.04.2008 to consider his request for re-allotment to Tirunelveli Circle. However, the said representation was not considered. Thus, the petitioner has constrained to move the present writ petition.

7. This Court is of the considered opinion that the petitioner was placed under suspension. The order of suspension was challenged by this Court. The suspension order was revoked by the authorities and he was reinstated in service. The Principal Chief Conservator of Forests transferred and allotted the petitioner to join at Vellore Circle. However, the petitioner has not reported for duty at Vellore Circle. The allotment and transfer order was communicated to the petitioner through registered post and from the second respondent. On receipt of the allotment order, to Vellore Circle, the petitioner made a representation to re-allot him at Tirunelveli. The post or place can never be claimed as a matter of service by the employees. The petitioner has no right to claim that



he work at Tirunelveli Circle. In lieu of suspension, he was relieved from the post and some other assistant was posted in his place. On revocation of suspension, pursuant to the orders of this Court, he was allotted to Vellore Circle. Therefore, the petitioner ought to have joined at Vellore Circle and thereafter, if any grievance existed, he should have submitted a representation before the authorities for redressal of his grievance. Contrarily the petitioner has not so far joined duty and made a representation by stating that he should be re-allotted to Tirunelveli Circle. Such an attitude or conduct of the employees at no circumstances be accepted by the Courts. Therefore, the petitioner has willingly remained absent from duty without reporting for duty in the transferred place at Vellore Circle. This being the factum, the petitioner is not entitled for any relief as such sought for in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Secretary

Environment and Forest, Chennai 9

2.The Principal Chief Conservator of Forests,

Saidapet, Chennai 15

3.The District Forest Officer,

Tirunelveli District, Tirunelveli.

4.The District Forest Officer,

Tirupathur Division, Thirupathur District.

+1 CC to M/s.S. LOUIS, Advocate (SR-20252[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP. (SR-20449[F] dated 22/04/2022)

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20.04.2022

SP(CO)

KB(06.05.2022) 3P 7C