



W.M.P. No.2309 of 2023
in W.P. No.2232 of 2023

N.ANAND VENKATESH, J

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This petition has been filed for an interim direction to the respondents to consider the petitioner for promotion to the post of Forester.

2.It is seen from records that the petitioner had completed 12 years of service as a Forest Guard and his name was also included in the panel for promotion to the post of Forester prepared for the year 2021-22 on 16.06.2022 and the petitioner's name is found at S.No.64. For an incident that took place in the year 2016-17, a charge sheet was given to the petitioner through proceedings dated 22.11.2022, after a delay of nearly five years from the date of the incident. On going through the nature of charge that has been made against the petitioner', it is seen that the petitioner was posted at Chidambaram Range and he was transferred in different beats in the same Division. While working in the Bhuvanagiri beat, there was a vacancy of a Forest Guard in Manavaikkal beat from 01.04.2016 to 26.07.2016 and the petitioner was directed to look after that beat. At that point of time, there was some lapse on the part of the petitioner. The lapse that has been pointed out against the petitioner is that he failed to submit the report on the condition of the plantation during the relevant point of time.



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SSR

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3. In the considered view of this Court, the nature of charge that has been made against the petitioner may not warrant proceedings initiated under 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. That apart, the proceedings itself has been initiated after a very long time which virtually will render the defence of the petitioner impossible.

4. A *prima facie* case has been made out and there shall be an interim direction to the respondents to consider the petitioner for promotion to the post of Forester and the same can be made subject to the result of this writ petition.

5. This Writ Miscellaneous Petition is disposed of with the above direction.

27.01.2023

SSR

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