



WEB COPY



W.P.No.29955 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29955 of 2012

K.Periyaswamy

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Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Forest Department,
Fort St.George,
Chennai – 600 009.

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

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to re-fix the petitioner's seniority in the cadre of Forester by including the petitioner's name in the panel of Forest Guard fit for promotion as Forester for the panel year 2003-2004, recognizing the petitioner's seniority and granting the petitioner all consequential benefits including consideration of the petitioner's name for further promotion as Forest Range Officer.



W.P.No.29955 of 2012

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to re-fix the seniority in the cadre of Forester by including the petitioner's name in the panel of Forest Guard fit for promotion as Forester for the panel year 2003-2004, recognizing his seniority.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner had joined service as a Forest Guard and he was promoted as Forester. However, his name was not considered. Though the petitioner was eligible to be promoted and appointed as a Forester, his name was not included in the panel for promotion to the post of Forester for the reason that he was implicated as an accused in S.C.No.117 of 1996.



W.P.No.29955 of 2012

WEB COPY

4. A perusal of the counter filed by the second respondent revealed that the petitioner was convicted in a criminal case. The petitioner submitted representation and also filed writ petition before this Court seeking promotion as Forester. This Court directed the respondents to consider the request made by the petitioner for promotion to the post of Forester. Though the petitioner's name was included in the panel for promotion in the year 2006-2007, he was not granted any promotion. However, one of the petitioner, who approached this Court, was granted promotion to the post of Forester and his seniority was also fixed. Thereby, the petitioner also submitted representation seeking promotion as Forester by including his name in the panel for the year 2003-2004. It is also stated that the petitioner's request cannot be considered for promotion, since, he was implicated in a criminal case with regard to Vachathi incident. The criminal case has been culminated in S.C.No.117 of 1996 and he was convicted by an order dated 29.09.2011 on the file of the 1st Additional District Judge and Chief Judicial Magistrate, Coimbatore. The petitioner was convicted for the offence under Section 147 of IPC read with 149, 3(2) (iii), 3(1)(x) of Scheduled



W.P.No.29955 of 2012

Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989.

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Thereafter, departmental action has been initiated under Rule 17(c) (i) (1) of the Tamil Nadu Civil Service (Discipline and Appeal Rules) Rule by the Disciplinary Authority by the proceedings dated 15.03.2013.

5. In view of the above, the representation submitted by the petitioner cannot be considered. Thus the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to submit fresh representation subject to the result of the appeal, if so advised. There shall be no order as to costs.

07.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

4/6



W.P.No.29955 of 2012

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G.K.ILANTHIRAIYAN, J.



WEB COPY



W.P.No.29955 of 2012

Lpp

W.P.No.29955 of 2012

07.09.2023