



WEB COPY



WA No.270 / 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.270 of 2023
and
C.M.P. No. 2788 of 2023

1. The Principal Chief Conservator of Forest
(Head of Department)
Panagal Buildings, Saidapet
Chennai – 600 015.

2. The Conservator of Forests
Salem Circle, Salem

3. The District Forest Officer
Namakkal Division
Namakkal

.. Appellants

Versus

R. Ravichandran

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent Act praying to set aside the order dated 04.10.2021 made in W.P. No. 19436 of 2021 and allow this Writ Appeal.

For Appellants : Mr. S. Yashwanth
Additional Government Pleader

For Respondent : Mr. M.R. Jothimanian.



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J U D G M E N T

[Judgment of the Court was delivered by R. MAHADEVAN, J]

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This Writ Appeal has been filed by the appellants, praying to set aside the order dated 04.10.2021 passed by the learned Judge, allowing the Writ Petition No.19436 of 2021 filed by the respondent herein.

2. The respondents in the Writ Petition No. 19436 of 2021 are the appellants herein. The Writ Petition has been filed by the respondent herein to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of transfer issued by the 1st appellant/first respondent in Ref.No.B2/1659/2020 dated 06.09.2021, quash the same and to direct the appellants/respondents to allow him to complete his normal tenure in the present post or station or to re-transfer him to original place at Rasipuram Forest Range.

3. The respondent herein was appointed as Forest Guard on 17.03.1997. On 07.09.2009 he was promoted as Forester and further promoted to the post of Forest Range Officer on 13.08.2016. According to the respondent, he was transferred and posted as Forest Range Officer in Rasipuram Forest Range, by a proceedings dated 15.02.2021 and even before completing three years of service, he was ordered to be transferred to



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Villupuram by passing the order, which is impugned in the writ petition. It is his contention that as per the Transfer Policy of the Government made in G.O. Ms. No.10, P&AR Department dated 07.01.1994 as amended by G.O. Ms. No.687, Environment and Forest Department dated 01.10.1990, before completing three years in the present Station, he should not be transferred. It is also stated that the first respondent is not competent to pass an order of transfer and if at all, it is for the Government to pass such an order of transfer as per the aforesaid Orders. While so, by merely citing administrative reason, the order of transfer has been passed and therefore, he prayed for quashing the same.

4. A counter affidavit has been filed on behalf of the appellants in the Writ Petition by contending that as per G.O. (D) No.119, Environment and Forest Department dated 04.09.2020, the first appellant is empowered to pass an order of transfer on administrative grounds and accordingly, the order of transfer came to be passed and hence, it cannot be called in question by the respondent herein.

5. The learned Judge, on considering the rival submissions, concluded that the impugned order of transfer has been passed by the first



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appellant contrary to G.O. Ms. No.10, P&AR Department dated 07.01.1994. It was further held that as per the general policy of transfer, the respondent is liable to be transferred only after completing three years in the present station. It was also held by the learned Judge that even though it is stated in the impugned order of transfer that it is passed on administrative grounds, there is no such exigency to transfer the respondent. Above all, it was concluded that the respondent herein has been transferred only to accommodate the other Forest Range Officers viz., Thiru. S. Dhanapal and Thiru. S. Vimalkumar and hence the transfer of respondent is not warranted. Aggrieved by the order of the learned Judge, the appellants have come up with this intra-court appeal.

6. When this appeal is taken up for hearing, the learned counsel for the respondent submitted that the transfer order, which was challenged in the Writ Petition, has been cancelled by proceedings in Ref.No.B2/34565/2021 dated 21.12.2021 and a copy of the same, has also been produced before this Court and therefore, nothing survives for further adjudication herein.

7. The learned Additional Government Pleader appearing for the appellants conceded the said submissions. However, he submitted that the



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observation of the learned Judge in Paragraph No.15 of the order is required to

be interfered with and the same reads as follows:-

15. The transfer of the petitioner has been made only to accommodate for the other Forest Range Officers Thiru S.Dhanapal and Thiru S.Vimalkumar. The petitioner's transfer is contrary to G.O.Ms.No.10 Personnel and Administrative Reforms (Personnel-S) Department, dated 07.01.1994 as amended by G.O.Ms.No.687 Environment & Forest (FR II) Department dated 01.10.1990. Even as per Section 48(3) of the said Act, the transfer on administrative grounds can be made only by the Government.

8. By citing the above, the learned Additional Government Pleader submitted that in view of such observation made by the learned Judge, it will be difficult for the appellants to effect periodical and routine transfer of their employees by citing administrative grounds. He also brought to the notice of this Court that the respondent has not challenged the validity of G.O. (D). No.119, Environment and Forests (FR.2-(i) Department dated 04.09.2020 and the writ petition has been filed questioning the order of transfer.

9. We have heard the learned Additional Government Pleader appearing for the appellants as well as the learned counsel for the respondent and also perused the materials placed on record.

10. Admittedly, inspite of the filing of this appeal, the appellants have cancelled the order of transfer passed against the respondent, by proceedings



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dated 21.12.201. Hence, there is no requirement to pursue the appeal.

However, as regards the observation of the learned Judge in para No.15 of the order, impugned herein, we are of the view that the same is for the purpose of adjudication of the writ petition filed by the respondent and it will not be a bar for the appellants to effect routine or periodical transfer of their employees, by following the appropriate Government Order in force.

11. With the above clarification, this Writ Appeal stands disposed of.
No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.M.D.,J) (M.S.Q.,J)
01.03.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

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