



W.P.(MD).No.15897 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.15897 of 2023

and

W.M.P(MD)Nos.13315 & 13316 of 2023

Sakthi Prasad Kadir Kaman,
S/o.Ananda Narayanasamy,
No.29A, Santhome Nagar Main Road,
Chinthamani,
Puliyankudi,
Tenkasi District.

... Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
(Head of the Department),
Panagal Maaligai,
Saidapet,
Chennai.

2.The Chief Conservator of Forest and Field Director,
Srivilliputhur - Megamalai Tiger Reserve,
Madurai.

3.The Deputy Director,
Srivilliputhur – Megamalai Tiger Reserve,
Srivilliputhur Division,
Srivilliputhur.

.... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent vide his proceedings in Ref.No.B2/900/2023-86, dated 22.05.2023, quash the same and further directing the respondents to retail the petitioner at the office of Rajapalayam Forest Range, Srivilliputhur - Megamalai Tiger Reserve, Srivilliputhur Division, Srivilliputhur and further directing the respondents to retain the petitioner at the office of Rajapalayam Range Wild Life, Srivilliputhur - Megamalai Tiger Reserve, Srivilliputhur Division, Srivilliputhur.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent vide proceedings in Ref.No.B2/900/2023-86, dated 22.05.2023 and further directing the respondents to retail the petitioner at the office of Rajapalayam Forest Range, Srivilliputhur - Megamalai Tiger Reserve, Srivilliputhur Division, Srivilliputhur and further directing the respondents to retain the petitioner at the office of Rajapalayam Range Wild Life, Srivilliputhur - Megamalai Tiger Reserve, Srivilliputhur Division, Srivilliputhur.



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2.The petitioner was appointed as a Forest Guard at Kuttralam Range, Tirunelveli Division on 14.08.1997. Thereafter, he was transferred to Kanyakumari Vadaseri Depot in the year 2001. After serving in various places in Tamil Nadu as Forest Guard, he was promoted as Forester and posted at Thangachimadam Section, Rameswaram Reserve Range in the year 2010. Subsequently, he was promoted as Forest Range Officer and posted at Rajapalayam Social Forest Range, Virudhunagar Division in the year 2017. After the completion of three years of service, he was further transferred to Rajapalayam Range Wildlife, Srivilliputhur – Megamalai Tiger Reserve, Srivilliputhur Division on 06.08.2021, wherein he served till 12.09.2021. Thereafter, he was further transferred to Rajapalayam Range DD, Srivilliputhur Division, SMTR, Madurai Circle on 13.09.2021 wherein he is continuing his service till date. However, to the shock and surprise of the petitioner by the impugned order, the first respondent vide proceedings, dated 22.05.2023, through a post on 02.06.2023, transferred the petitioner to the Tamil Nadu Forest Academy at Coimbatore.



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3.Heard the learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate, who takes notice for the respondents.

4.The attention of this Court is drawn by the learned counsel appearing for the petitioner as far as the mandates of G.O.(Ms).No.10, the Personal and Administrative Department, dated 07.10.1994, wherein it is mandated that a person should not be transferred to another station before the completion of a period of three years. However, the learned Government Advocate, appearing for the respondents, relying upon G.O(MS.)No.85, Environment and Forests (FR2) Department, dated 25.08.2006, pressed for dismissal of the Writ Petition. This Court is inclined to appreciate the facts submitted by the learned counsel appearing for the petitioner that the transfer order which is passed before the period of three years is unwarranted. It is also brought to the knowledge of this Court that there is a vacancy existing in Kalakad – Mundanthurai Tiger Reserve, Tirunelveli. However, a perusal of the record would reveal that in fact, the third respondent actually recommended the transfer of the petitioner to the said station. Hence, this Court is inclined to quash the impugned order passed by the first respondent, dated 22.05.2023.



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5. Accordingly, the impugned order passed by the first respondent vide proceedings in Ref.No.B2/900/2023-86, dated 22.05.2023, is quashed and further this Court directs the respondents to consider and post the petitioner in Kalakad – Mundanthurai Tiger Reserve, Tirunelveli.

6. With the above directions, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps



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To

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- 2.The Chief Conservator of Forest and Field Director,
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Srivilliputhur – Megamalai Tiger Reserve,
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L.VICTORIA GOWRI, J.

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