



W.P.(MD).No.23516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23516 of 2023

B.Jebaz,
Forest Range Officer,
Tamil Nadu Forestry Training College,
Vaigai Dam, Theni District.

... Petitioner

Vs.

The Principal Chief Conservator of Forest,
(Head of Forest Force)
Forest Head Quarters,
Velacherry Gindy Main Road,
Chennai-600 032.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to consider and dispose of the review petition of the petitioner, dated 05.08.2019 submitted for review and re-consideration of the minor charges on the ground reality and to impose revenue loss as per the order passed in W.P(MD)No.7707 of 2012.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.N.Muthuvijayan
Special Government Pleader



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WEB COPY

ORDER

The present writ petition has been filed seeking direction to the respondent herein to consider and dispose of the review petition of the petitioner, dated 05.08.2019 submitted for review and re-consideration of the minor charges on the ground reality and to impose revenue loss as per the order passed in W.P(MD)No.7707 of 2012.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Forester in the Forest Service on 17.09.1999 and further promoted as Forest Range Officer on 12.02.2012. Presently, he is working as Forest Range Officer at Tamil Nadu Forestry Training College, Vaigai Dam. During 2012-2013, Dormitory Development Work at an estimate cost of Rs.15,00,000/- and during 2013-2014, Meeting Hall Development work at an estimate cost of Rs.24,50,000/- were made at Mundanthurai Forest Range under the BCRLIP Scheme by the petitioner. In that regard, a charge memo was issued to the petitioner by the Deputy Director,



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Tiger Reserve, Ambasamudram on 29.10.2015 under Rule 17(a) for minor charges. On which, final orders were passed on 28.12.2016, directing a recovery of an amount of Rs.6,28,039/-. Because of the sudden shock, on such a punishment being implemented on the petitioner, he is not able to make any appeal. However, he submitted a review petition to the respondent on 05.08.2019 and the same is still pending without consideration. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a review petition of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the review petition by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court hereby direct the respondent to disposal of the review petition made



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by the petitioner, dated 05.08.2019 and pass appropriate orders in accordance with law, within a period of four (4) months from the date of receipt of a copy of this order.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

27.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Principal Chief Conservator of Forest,
(Head of Forest Force)
Forest Head Quarters,
Velacherry Gindy Main Road,
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L.VICTORIA GOWRI, J.

BTR

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