



W.P.(MD).No.23630 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23630 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 review the review petition of the petitioner, dated 21.06.2023 in the light of report, dated 19.06.2017 of the Monitoring Team of the Assistant Conservator of Forests (Head Quarters), Theni and assisted by the Forest Range Officer, Theni Range and the Superintendent of Theni Forest Division and that of the petitioner's report, dated 31.03.2017 along with Master List.

For Petitioner : Mr.K.Appadurai



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For Respondent : Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondent herein to consider and review the review petition of the petitioner, dated 21.06.2023 in the light of report, dated 19.06.2017 of the Monitoring Team of the Assistant Conservator of Forests (Head Quarters), Theni and assisted by the Forest Range Officer, Theni Range and the Superintendent of Theni Forest Division and that of the petitioner's report, dated 31.03.2017 along with Master List.

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 2018, he was issued with a charge memo, dated 26.02.2018 by the Divisional Forest Officer, Varusanadu Soil



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Conservation Division, Theni, which contained two charges. Thereafter, the respondent herein vide proceedings, dated 17.02.2022, imposed a punishment order that there was shortage of 11815 saplings in Theni Region and 10253 saplings in Mayiladumparai, the petitioner is alleged to have caused a revenue loss of Rs.7,62,449/- to the Government, which has to be recovered by deduction at Rs.15,199/- at the first installment and at the rate of Rs.15,250/- from second installment to 50 installments from his salary. Aggrieved by the same, the petitioner had submitted a review petition to the respondent on 21.06.2023 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.



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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 by the petitioner, dated 21.06.2023 in the light of report, dated 19.06.2017 of the Monitoring Team of the Assistant Conservator of Forests (Head Quarters), Theni and assisted by the Forest Range Officer, Theni Range and the Superintendent of Theni Forest Division and that of the petitioner's report, dated 31.03.2017 along with Master List 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



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To
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Forest Head Quarters,
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L.VICTORIA GOWRI, J.

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