



W.P.(MD).No.23599 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23599 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-32.

... 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 21.06.2023 in the light of explanation of the petitioner, dated 03.12.2020.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.P.Thambidurai
Government Advocate



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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 21.06.2023 in the light of explanation of the petitioner, dated 03.12.2020.

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 11.02.2012. Presently, he is working as Forest Range Officer at Tamil Nadu Forestry Training College, Vaigai Dam. On 03.10.2019, the respondent through the District Forest Officer issued a show cause notice seeking his explanation for deviated views. For which, on 03.12.2020, the petitioner submitted his explanation to the differing view of respondent for charges 1, 2, 3, 5 and 6. The respondent after receipt of the petitioner's explanation, dated 03.12.2020 ought to have considered his explanation for charges. But the respondent herein without doing so, issued punishment order, dated 23.09.2022 for stoppage of



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increment of petitioner for five years with cumulative effect, which would affect his pension. Hence, the petitioner submitted his review petition, dated 21.06.2023 to reconsider and review the punishment order in the light of his explanation, dated 03.12.2020 and the same is still pending without consideration.

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 by the petitioner, dated 21.06.2023 in the light of explanation of the petitioner,



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dated 03.12.2020 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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