



W.P.No.16473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16473 of 2024

and

W.M.P. Nos. 18030 and 18032 of 2024

C.Sivakumar

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Forest Department,
Secretariat, Chennai.
2. The Principal Chief Conservator of Forest (Head of Forest Force),
State Forest Head Quarters,
Guindy-Velachery Main Road,
Chennai – 600 032.
3. The Conservator of Forest and Field Protector,
Anaimalai Tiger Reserve,
Coimbatore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records leading to the transfer order dated NIL uploaded in the online portal of Tamil Nadu Forest



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Department, transferring the petitioner from Udumalpet Range, Tiruppur Division, Coimbatore Circle to Dindigul Range, Dharmapuri Division, Chennai Circle.

For Petitioner : Mr. T.Mohan,
Senior Counsel
for Mr. C.Jagadish

For Respondents : Mr. S.Rajesh,
Government Advocate

O R D E R

The Writ Petition has been filed challenging the order of transfer dated NIL uploaded in the online portal of Tamil Nadu Forest Department, thereby transferring the petitioner from Udumalpet Range, Tiruppur Division, Coimbatore Circle to Dindigul Range, Dharmapuri Division, Chennai Circle.

2. The petitioner was working as Forest Range Officer at Anaimalai Tiger Reserve, Udumalpet Range, Tirupur Division, Coimbatore Circle from 20.01.2022. Since the petitioner's wife has been working as Post Graduate Teacher, Economics at Corporation Higher Secondary School, Selvapuram Coimbatore District and residing there with two children, the



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petitioner requested for transfer through the Tamil Nadu Forest Department Transfer Web Portal as per the circular dated 03.05.2024 issued by the second respondent to Amaravathi, within the Coimbatore Circle. Though the petitioner's request was considered by approving the request made by the petitioner, he was transferred to Dindigul Range, Dharmapuri Division, Chennai Circle instead of Amaravathi Range within Coimbatore Circle.

3. On a perusal of the counter affidavit filed by the second respondent as well as the submission of the learned Government Advocate appearing for the respondents, it reveals that there are so many allegations as against the petitioner and as such, the request made by the petitioner was not considered and hence, he was transferred to non-sensitive Territorial Range, viz., Dindigul Range of Modern Nursery Division, Dharmapuri under Research Circle, which is less sensitive. Further, it reveals that the petitioner had undergone CBI enquiry by proceedings dated 03.01.2024. During the course of investigation, it reveals that the lapses on the part of the petitioner, the then Forester of Udumalpet Range came to light, as detailed in the self contained note enclosed and requested to take action as



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deemed fit against the petitioner. However, the petitioner was not served with any charge memo so far.

4. Admittedly, only on the request made by the petitioner, he was transferred from Udumalpet Range, Tiruppur Division, Coimbatore Circle to Dindigul Range, Dharmapuri Division, Chennai Circle. The petitioner made a request for transfer to Amaravathi Range, which is situated within Coimbatore Circle on the ground that the petitioner's wife is working as PG Assistant Teacher in Coimbatore. That apart, the petitioner's aged mother was also stayed along with his wife with all old age ailments.

5. The learned Senior Counsel appearing for the petitioner that if at all any complaint made as against the petitioner, the order of transfer is prenatal in nature. So far, the petitioner was not served with any memo or charge in respect of any allegations.

6. In view of the above facts and circumstances, the impugned order dated Nil uploaded in the online portal of Tamil Nadu Forest



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Department is hereby quashed. The petitioner is permitted to continue as Forest Range Officer at Anaimalai Tiger Reserve, Udumalpet Range, Tiruppur Division, Coimbatore Circle. It is made clear that the respondents are at liberty to take appropriate action as against the petitioner as per the report submitted by the Central Bureau Investigation.

7. In the result, this Writ Petition is allowed to the extent indicated above. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

Neutral Citation/Yes/No

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Note: Issue order copy on or before 16.07.2024.

To

1. The Secretary to Government,
State of Tamil Nadu,
Forest Department,
Secretariat, Chennai.
2. The Principal Chief Conservator of Forest (Head of Forest Force),
State Forest Head Quarters,
Guindy-Velachery Main Road,
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3. The Conservator of Forest and Field Protector,
Anaimalai Tiger Reserve,
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G.K.ILANTHIRAIYAN, J.

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