



WEB COPY



W.P.No.18519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18519 of 2024 and
WMP.No.20299 of 2024

S.Elango

... Petitioner

Vs.

- 1.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Forest Headquarters,
Guindy – Velachery Main Road,
Chennai 600 032
- 2.Conservator of Forests,
Vellore working plan, 96/205,
South Avenue Salai, Phase-I,
Sathuvachari, Vellore 632 009
- 3.District Forest Officer,
O/o the District Forest Office,
Government Sandalwood Godown,
SH18, Krishnagiri Main Road,
Tirupathur, Tamilnadu 635 601
- 4.K.R.Chozharajan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the



W.P.No.18519 of 2024

WEB COPY

records on the file of the 2nd respondent made in S.O.No.48/2024/ U1 dated 11.03.2024 and quash the same and consequently direct the respondents to permit the petitioner to continue to work as a Forest Range Officer, Thirupathur Division Thirupathur till the age of superannuation i.e. till 28.02.2025.

For Petitioner : M/s.Selvi George

For Respondents

For R1 to 3 : Dr.T.Seenivasan,
Special Government Pleader

For R4 : Mr.M.R.Jothimanian

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 11.03.2024 thereby transferred the fourth respondent to Thirupathur Division from Dharmapuri Division.

2. The petitioner had joined in the Tamilnadu Forest Department as Forest Guard on 10.04.1997. Subsequently he was promoted to the post of Forester and Forest Range Officer from



W.P.No.18519 of 2024

WEB COPY

17.11.2017. Thereafter, the petitioner was transferred and posted as Forest Range Officer in Thirupathur Range of Thirupathur Division. While being so, the petitioner suffered with heart ailment and as such, he applied for leave from 21.02.2024 till 22.02.2024. However, thereafter he was admitted in hospital and he was advised to undergo heart surgery. Therefore, the petitioner could not able to join duty on 23.02.2024 and again he applied for medical leave. The petitioner was granted medical leave and subsequently extended till 22.07.2024. In the meanwhile, in the petitioner's post, other Forest Range Officer of Vaniyambadi was given additional charge as Forest Range Officer of Thirupathur Range from 26.02.2024 since it is a sensitive range. The Forest Range Officer from Vaniyambadi could not able to cover the entire range. Further, the petitioner was given medical leave till 22.07.2024. The said Forest Range cannot be kept vacant and cannot be given additional charge. Therefore, the fourth respondent was transferred from Dharmapuri Division to Thirupathur Division as Forest Range Officer of Thirupathur Range.



W.P.No.18519 of 2024

3. The learned counsel for the petitioner would submit that the post of Forest Range Officer is not kept vacant and the petitioner is still serving as Forest Range Officer of Thirupathur Range. When it being so, without transferring the petitioner from the very same post, the fourth respondent was transferred and he joined in the said post. If the petitioner joins after completion of medical leave, the petitioner cannot be accommodated in the very same post and he would be disturbed to other place. The petitioner is also on the verge of his retirement in the year 2025. Therefore, before one year, he cannot be transferred to other range since already the petitioner suffered with heart ailment.

4. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned Special Government Pleader, revealed that Thirupathur Forest Range is a sensitive range and it cannot be kept vacant indefinitely which is waiting for someone to join for. Whenever any Government servant proceeds on leave, someone is required to take care of the duties of the said post. Though Forest Range Officer, Vaniyambadi was given additional charge, it is wide range and



W.P.No.18519 of 2024

WEB COPY

as such, he could not able to cover both the ranges. Therefore, the fourth respondent was transferred to the post of Forest Range Officer, Thirupathur Range of Thirupathur Division by an order dated 11.03.2024. Now he has joined and he is working as Forest Range Officer for the past four months. Further, if the petitioner joins after his medical leave with medical fitness certificate, he will be accommodated in the same Thirupathur Division in the available vacant place.

5. The learned counsel for the fourth respondent submitted that the petitioner challenged the order of transfer of the fourth respondent, that too after period of four months. Immediately after the transfer order, the fourth respondent had joined as Forest Range Officer of Thirupathur Range in Thirupathur Division. For the past fourth months, he is working as Forest Range Officer of Thirupathur Range in Thirupathur Division.

6. It is seen that during the tenure of the fourth respondent, there were several wild animals entered into city and on his guidance, wild animals were caught and let them into deep forest. Therefore, this



W.P.No.18519 of 2024

WEB COPY

Court finds no infirmity or illegality in the order of transfer of the fourth respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, this writ petition is dismissed. However, it is made clear that the third respondent must ensure that if the petitioner joins after his medical leave with medical fitness certificate, the petitioner shall be posted within the Thirupathur Division. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lOk



WEB COPY



W.P.No.18519 of 2024

To

- 1.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Forest Headquarters,
Guindy – Velachery Main Road,
Chennai 600 032
- 2.Conservator of Forests,
Vellore working plan, 96/205,
South Avenue Salai, Phase-I,
Sathuvachari, Vellore 632 009
- 3.District Forest Officer,
O/o the District Forest Office,
Government Sandalwood Godown,
SH18, Krishnagiri Main Road,
Tirupathur, Tamilnadu 635 601



WEB COPY



W.P.No.18519 of 2024

G.K.ILANTHIRAIYAN, J.

10k

W.P.No.18519 of 2024



WEB COPY



W.P.No.18519 of 2024

19.07.2024