



WEB COPY



W.P.No.25560 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.25560 of 2021

M.Khader Sheriff

...

Petitioner

/vs/

1. The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building,
Saidapet,
Chennai – 15.

2. The Additional Principal Chief Conservator of Forest / Director,
Anna Zoological Park,
Vandalur, Chennai – 48.

3. The Deputy Director,
Arignar Anna Zoological Park,
Vandalur, Chennai – 48.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to regularise the period of suspension from 28.10.2014 to 14.06.2017 as duty for all purpose with



W.P.No.25560 of 2021

consequential benefits, by considering the reply dated 18.09.2017 in response to the show cause memo in Na.Ka.No.M3/32650/2014 dated 21.08.2017 of the first respondent.

For Petitioner ... Ms.T.Dharani

For Respondents ... Mr.S.Rajesh
Government Advocate

ORDER

The petitioner who has been imposed with the punishment at the culmination of the disciplinary proceedings initiated against him has given a representation to the respondents to regulate the period of suspension between 28.10.2014 to 14.06.2017. Since the said representation has not been considered so far, he has filed this writ petition seeking direction to the respondents to regularise the period of suspension from 28.10.2014 to 14.06.2017 as duty for all purpose with consequential benefits.

2. Ms.T.Dharani, the learned counsel for the petitioner, submitted that the petitioner has not challenged the order of punishment but his only concern is that his period of suspension from 28.10.2014 to 14.06.2017 has not been regularized so far. It is further submitted that a notice has been given to the



W.P.No.25560 of 2021

petitioner on 21.08.2017 calling explanation as to why the period of suspension shall not be regularized as eligible leave and for which the petitioner has also submitted his reply on 18.09.2017.

3. Mr.S.Rajesh, the learned Government Advocate, submitted that the petitioner's reply was considered and the period of suspension has been ordered to be treated as 'Extraordinary Leave without pay' and thus got regularized; when an order has been passed in respect of period of suspension, the petitioner could have only challenged the same. It is further submitted that a copy has also been served upon the petitioner and he had acknowledged the same on 07.11.2017 and hence, the petitioner ought to have challenged the said order instead of filing a writ petition.

4. However, the learned counsel for the petitioner submitted that the copy of the order has not been served on the petitioner. If on verification of records, the first respondent comes to know that a copy of the order has not been served upon the petitioner, a copy shall be served upon the petitioner in order to enable him to challenge the same in accordance with law.



W.P.No.25560 of 2021

WEB COPY 5. With the above observation, this Writ Petition is disposed. No costs.

08.02.2024

Index: Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

bkn



WEB COPY



W.P.No.25560 of 2021

To:

1. The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building,
Saidapet,
Chennai – 15.
2. The Additional Principal Chief Conservator of Forest / Director,
Anna Zoological Park,
Vandalur, Chennai – 48.
3. The Deputy Director,
Arignar Anna Zoological Park,
Vandalur, Chennai – 48.



WEB COPY



W.P.No.25560 of 2021

R.N.MANJULA ,J.

bkn

W.P.No.25560 of 2021

08.02.2024