



WEB COPY



W.P.No.35898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.35898 of 2024
and
W.M.P.Nos.38754 & 38755 of 2024

Mr.A.Moorthy

...Petitioner

-Vs-

1.The Principal Chief Conservator of Forest,
Head of Forest Force,
Forest Head Quarters,
Near Kannikapuram Check Post,
Guindy-Velachery Main Road,
Guindy – 600 032.

2.The Conservator of Forests,
Vellore Circle,
Vellore – 632 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of impugned order passed by the first respondent vide C.No.B2/17598/2024 dated 08.08.2024 and Ref.No.B2/17508/2024 dated 19.06.2024 of the first respondent and quash



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the same and issue consequential direction to the respondents to retain the petitioner in Forest Protection Squad, Vellore or any other nearby places till retirement and allow the petitioner to retire peacefully on 31.04.2025 and pass such further orders.

For Petitioner : M/s.T.Dharani
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

Mr.S.Rajesh, learned Government Advocate takes notice on behalf of the respondent. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to quash the impugned orders passed by the first respondent vide C.No.B2/17598/2024 dated 08.08.2024 and Ref.No.B2/17508/2024 dated 19.06.2024 and issue consequential direction to the respondents to retain the petitioner in Forest Protection Squad, Vellore, or any other nearby places till retirement and allow the petitioner to retire on 31.04.2025.

3. The case of the petitioner is as follows:



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3.1 The Petitioner was appointed as a Night Watchmen in the respondent Department on 01.02.1984 on compassionate grounds in the Tamil Nadu Basic Service. Subsequently the petitioner was promoted as a Forest Guard in 1994, Forester in 2009 and Forest Range Officer on 01.09.2016. The petitioner was transferred to various places with a period of one year from 2016 to 2021. The Petitioner obeyed the said transfer without any objection. However the present transfer order was issued at the verge of retirement and the petitioner was constrained to challenge the transfer order.

3.2 The transfer order has been passed by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai vide Ref.No.B2/17508/2024, dated 19.06.2024 under the slot of inter-circle transfer on administrative grounds with immediate effect. The copy of the order was communicated to the petitioner on 21.06.2024.

3.3 Pursuant to the above, the petitioner filed Writ Petition No.16728 of 2024 and ordered on 26.06.2024 with direction to consider the petitioner's representation for posting him in any nearby place. The Principal Chief Conservator of Forests (Head of Forest Force), Chennai, vide C.No.B2/17508/2024, dated 08.08.2024, stated that the representation was examined as per the Hon'ble High Court order dated 26.06.2024 and rejected



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on account of non-availability of vacancy. The reply sent by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai is totally fictitious. Hence the present writ petition is filed.

4. Learned counsel appearing for the petitioner drew the attention of this Court to the transfer order passed by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai, vide Ref.No.B2/17508/2024, dated 19.06.2024, wherein it is stated that the petitioner is allotted to the Forest Settlement Range of Sivagangai Forest Division.

5. Learned counsel submitted that the petitioner's son is undergoing treatment at Christian Medical College Hospital, Vellore, and is likely to complete his tenure in the present place of posting only in December 2024 and is about to superannuate in April 2025. Since the place of posting is very far away from Vellore District for the petitioner to give treatment for his son at Christian Medical College Hospital in Vellore, he has given representation on 23.05.2024 to the first respondent and the same has not been considered till date.

6. Learned Government Advocate appearing for the respondents produced a copy of the brief history of case of the petitioner, viz.,



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Thiru.A.Moorthy, Forest Range Officer as issued by the Conservator of Forests (FAC), Vellore Forest Circle.

7. Heard both sides and perused the materials available on record.

8. Without going into the merits of the case, this Court is inclined to pass the following orders:

- a) The first respondent is directed to consider the representation of the petitioner dated 23.05.2024 and pass appropriate orders on merits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.
- b) While evaluating the same, the first respondent may consider to retain the petitioner in the Vellore Division or for transfer to the neighbouring Forest Divisions, like Tiruvannamalai or Tirupathur, if there is vacancy since his son is taking treatment at Christian Medical College Hospital, Vellore.
- c) The respondents are directed not to take any action to transfer the petitioner till the representation of the petitioner is considered and disposed of by the first respondent.

J.SATHYA NARAYANA PRASAD, J.



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In the result, the **writ petition stands disposed of with the above**

observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

26.11.2024

cda

Index : Yes / No

Speaking / Non-Speaking order

To

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