



W.P(MD)No.5707 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5707 of 2024

C.Kaliappan

... Petitioner

Vs.

The Principal Chief Conservator of Forests,
Head of Forest Office,
Forest Head Quarters Building,
Guindy-Velachery Main Road,
Guindy, Chennai-600 032.

... 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 include the petitioner's name below Sl.No.6 Thiru R.Manoharan and above Sl.No.7 Thiru B.Shanmugam in proceedings of the respondent in Ref.No. AB1/34381/2023, dated 14.02.2024 with all consequential, service and monetary benefits within a time frame as fixed by this Court.

For Petitioner : M/s.M.Padmavathy

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondent herein to include the petitioner's name below Sl.No.6 Thiru R.Manoharan and above Sl.No.7 Thiru B.Shanmugam in proceedings of the respondent in Ref.No. AB1/34381/2023, dated 14.02.2024 with all consequential, service and monetary benefits within a time frame as fixed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner joined service as Forest Guard in the department on 01.03.2011. He was visited with a charge memo under Rule 17(b) of the Tamil Nadu Civil Servants (Discipline and Appeal) Rules along with few others in the year 2017. Following which, after disciplinary proceedings, he was imposed with punishment of postponement of increment for a period of 3 years with cumulative effect. Thereafter, his pay was refixed with effect from 21.03.2023 vide order, dated 08.07.2023. The punishment period commenced from 01.01.2020 and expired on 20.03.2023 after regularizing the period from



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01.01.2023 to 20.03.2023 as extraordinary leave on loss of pay. Thereafter, there was no currency of punishment. In the meanwhile, the respondent issued a panel for the temporary promotion to the post of Foresters vide proceedings, dated 16.12.2022 for the year 2022-23, in which the petitioner's name was found at SI.No.192 with seniority No.710. The immediate junior of the petitioner, namely P.Jayaraman was placed at SI.No.711 and next immediate junior, namely B.Shanmugam was placed at SI.No.712. However, during the period 2022-23, the petitioner was not selected due to the prevailing currency of punishment.

4. Thereafter, the petitioner was served with a show cause notice under rule 17 (a) vide proceedings, dated 19.09.2023, for which the petitioner had given his explanation, dated 04.10.2023. However, no orders are passed on his explanation so far. Since there is no currency of punishment, the petitioner is eligible for the next panel for promotion as Forester for the promotion year 2023-24. However, the respondent has issued proceedings, dated 14.02.2024 promoting 97 Forest Guards as Foresters, in which the petitioner's name has been excluded. In view of the same, this writ petition came to be filed seeking to include the name of the petitioner in the promotion panel for the year 2023-24.



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5. The learned Additional Government Pleader submitted that the petitioner has not given any representation in this regard.

6. Recording the same, this Court direct the petitioner to make a representation in this regard to the respondents and the respondents to pass appropriate orders, on receipt of the representation from the petitioner, on merits and in accordance with law within a period of ten (10) weeks from the date of receipt of the representation from the petitioner.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

The Principal Chief Conservator of Forests,
Head of Forest Office,
Forest Head Quarters Building,
Guindy-Velachery Main Road,
Guindy, Chennai-600 032.



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L.VICTORIA GOWRI, J.

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