



WP(MD) No.13723 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 14.03.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P(MD)No.13723 of 2021**

K.Sivenraj

... Petitioner

**Vs.**

1.The Principal Chief Conservator of  
Forests (Head of Department),  
Panagal Buildings, Saidapet,  
Chennai - 600 015.

2.The Conservator of Forest,  
Tirunelveli Circle, Tirunelveli,  
NGO "A" Colony,  
Tirunelveli – 627007.

3.The District Forest Officer,  
Tirunelveli Division,  
NGO "A" Colony,  
Tirunelveli - 627 007.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling the records of the first respondent i.e., Principal Chief Conservator of Forest (Head of Department), Chennai in his Ref.No.AB1/9026/2021 dated 10.06.2021



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which was communicated by the third respondent i.e., the District Forest Officer, Tirunelveli in his Endorsement No.C.No.E1/10237/2019 dated 22.07.2021 and quash the portion in paragraph (6) of the impugned order and consequently direct the first respondent to include the name of the petitioner under S.No.5 instead of Thiru.G.Manivannan of the approved list of Foresters of the year 2017-18 communicated in proceedings No.AB1/26100/2017-1, dated 30.05.2020, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam  
For Respondents : Mr.D.Sasikumar,  
Addl. Government Pleader

### **ORDER**

This Writ Petition has been filed by the petitioner, who is working as Assistant in the respondent department, aggrieved by the proceedings in Ref.No.AB1/9026/2021, dated 10.06.2021, wherein the request of the petitioner for promotion to the post of Foresters for the panel year 2017-18 was negated on the ground that the petitioner suffered a punishment of a Censure after the crucial date of the panel year 2017-18 and before the actual date of promotion for the post of Forester.



2. The learned counsel for the petitioner contended that as on the crucial date of the panel year 2017-2018 ie., as on 15.08.2017, there was no punishment that was imposed on the petitioner and on the other hand, only through the proceedings dated 11.10.2018, the petitioner was imposed with the punishment of Censure. Therefore, as there were no specific charges framed against the petitioner as on 15.08.2017, the petitioner is entitled for promotion on par with his juniors, but he was illegally denied the said benefit. There is no dispute that the vacancies that were available during the panel year 2017-18 admittedly filled up only in the year 2020 by issuing promotion orders on 30.05.2020. There is also no dispute that the petitioner was imposed with a punishment of Censure by proceedings dated 11.10.2018. In the impugned order dated 10.06.2021, even the first respondent himself has held as under:

*"In this regard, as per G.O.Ms.o.22, Personnel and Administrative Reforms (S) Department dated. 24.02.2014, part-D of section (f) " (IHH) states that "Any punishment (other than Censure) imposed on a member of service within a period of five years prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment including censure imposed on a member of service after the crucial date but before actual*



*promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment."*

3. From the above, it is clear that in case if a member of service was inflicted with any punishment including the Censure after the crucial date in the relevant year but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.

4. There is no challenge to the said Government Order in G.O.Ms.No. 22, Personnel and Administrative Reforms (S) Department dated. 24.02.2014. As the Government Order, providing for withholding of promotion or appointment because of operation of the punishment, is not under challenge and the respondents only stated to have followed the said Government Order and thereby refused to give promotion to the petitioner, this Court does not find any error or illegality in the impugned order passed by the respondents.



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5. In the light of the above, this Writ Petition is dismissed. There shall be no order as to costs.

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NCC : Yes/No

Index : Yes/No

vsm

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**MUMMINENI SUDHEER KUMAR, J.**

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