



W.P.(MD).No.27185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27185 of 2023

and

W.M.P(MD)No.23370 of 2023

N.Ramar

... Petitioner

Vs.

1.The Deputy Director,
Tiger Reserve,
Ambasamudram Division,
Tirunelveli District.

2.The Forest Ranger,
Kadayam Forest Range,
Sivasailam,
Tenkasi District.

3.P.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the 1st respondent in his proceedings in Duty Order No. 31/2023, dated 24.07.2023 and the consequential order passed by the 2nd respondent in his proceedings in Na.Ka.No.133/2023, dated 27.07.2023 quash the same.

(Prayer amended vide Court order, dated 29.11.2023 in W.M.P(MD)No. 23780 of 2023)



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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petition has been filed to call for the records pertaining to the order passed by the 1st respondent in his proceedings in Duty Order No. 31/2023, dated 24.07.2023 and the consequential order passed by the 2nd respondent in his proceedings in Na.Ka.No.133/2023, dated 27.07.2023 quash the same.

2. The petitioner has joined as Social Forest Watcher in the year 1987. Thereafter, his service was regularized as Plot Watcher and promoted as Forest Watcher and further promoted as Forest Guard with effect from 11.07.2017 and was posted at Ambasamudram Forest Range, Singampatti Beat. He was transferred to Mundanthurai on 13.01.2020. Further, he was transferred to Thailathuodai Beat in the month of May, 2020. Again, he was transferred to Kudiyiruppu Beat by an order, dated 27.07.2023. Challenging the same, this writ petition came to be filed.



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3. The learned Additional Government Pleader has filed a counter affidavit and vehemently submitted that all through his service, the petitioner had been a trouble monger and he had been a disobedient employee and even at one instance during the year 2020, disciplinary proceedings were initiated against him by proceedings, dated 18.03.2020. The petitioner did not obey the instructions of the higher officials and used to leave the Head Quarters fixed in Kadayam and he used to stay in his home town in Kallidaikurichi, which is 21km away from the Head Quarters without obtaining proper permission from the higher officials. Only because of his disobedient attitude, he was transferred to Kudiyiruppu within Kadayam range, which is just 10 km away from Kadayam vide the impugned proceedings and the same has been made in the interest of protecting the forest from the illegal activities of the poachers and anti-social elements. There is no infirmity in the said order and hence, he pressed for dismissal of the writ petition.

4. Heard the learned counsels on either side and perused the materials available on record.

5. A perusal of the materials available on record would reveal that the petitioner was transferred from Thailathuodai to Kadayam on 12.04.2023.



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Within a period of 3 months, the impugned order of transfer, dated 27.07.2023 came to be passed by transferring him from Kadayam to Kudyiruppu within the Kadayam rance. This writ petition is dismissed confirming the order of transfer. However, the petitioner shall be relieved from Kadayam only with effect from 30.05.2024.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.01.2024

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

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To

1.The Deputy Director,
Tiger Reserve,
Ambasamudram Division,
Tirunelveli District.

2.The Forest Ranger,
Kadayam Forest Range,
Sivasailam,
Tenkasi District.



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L.VICTORIA GOWRI, J.

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