

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.27827 of 2015

1 S.Muthuramalingam
2 N.A.Arumugam
3 K.Jeganathan
4 M.Subramanian
5 V.Venkatesan
6 G.Basker
7 C.Sundararaju
8 C.Vaithiyalingam
9 M.Shakespeare
10 A.M.Chinnathambi

... Petitioner

Vs.

1. The Principal Secretary to Government
Environment and Forest Department
Fort St. George Secretariat
Chennai-9
2. The Principal Chief Conservator of Forest (HOFF)
Panagalmaligai
Saidapet
Chennai-600 015

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to depute the petitioners for the Foresters Training as per Rule 5 of the Tamil Nadu Forest Subordinate Service Rules within the time frame.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.Inbanathan
Spl. Govt. Pleader - for R1 & R2

Mr.V.Stalin - for Intervenor

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioners are appointed as Village Social Forest Worker in the services of Tamil Nadu Forest Department and got promoted as Forest Watchers and thereafter, Forest Guards and at present, Foresters with effect from 2011. According to the petitioners, their next promotion is to the post of Forest Ranger Officer as per Tamil Nadu Forest Subordinate Service Rules.

3. The petitioners would state that in terms of Rule 5 of Tamil Nadu Forest Subordinate Service Rules, apart from possessing a minimum general educational qualification prescribed, they have to successfully complete a course of training for Foresters. Since they have not been deputed for training, they submitted a representation dated 14.07.2015, to the 2nd second respondent and since no orders have been passed, they came forward to file this writ petition.

4. Mr.M.Santhanaraman, learned counsel appearing for the petitioners would submit that completion of Foresters Course of Training is necessary to the petitioners for promotion to the post of Foresters. Therefore, the second respondent is duty bound to depute them for training and hence, prays for appropriate orders.

5. Per contra, Mr.Inbanathan, learned Government Advocate, who accepts notice for the respondents 1 and 2 submits that in this regard a litigation is also pending on the file of Division Bench of this court and in fact the Division Bench has held that appropriate reply has to be given to the petitioners on their representation.

6. Mr.V.Stalin, learned counsel for the intervenor/Direct Recruits for Foresters, would submit that the petitioners are not at all eligible to undergo training for the said posts and in this regard, Writ Appeal No.811 of 2011 is also pending before the Division Bench of this court and hence, prays for dismissal of the writ petition.

7. Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the petitioners to submit one more representation to the second respondent by enclosing copy of this order as well as the copy of the earlier representation, within

a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same on merits and in accordance with law, after putting notice to the persons concerned and pass orders, on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken, to the petitioners as well as to the persons concerned.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal Secretary to Government
Environment and Forest Department
Fort St. George Secretariat
Chennai-9
2. The Principal Chief Conservator of Forest (HOFF)
Panagalmaligai
Saidapet
Chennai-600 015

+1cc to M/s.M.Santhanaraman, Advocate, S.R.No.48052

+1cc to the Special Government Pleader(Forest), S.R.No.48240

W.P. No.27827 of 2015

SKV(CO)
CA(28/09/2015)

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