

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.38601 of 2015

R.Mathivannan

.. Petitioner

Vs.

1.The Principal Chief Conservator of Forest  
(head of the Forest Force)  
Panagal Maligai, Chennai-15.

2.The Conservator of Forest and Director  
Pollachi, Coimbatore.

3.The Conservator of Forests and Field Director  
Anaimalai Tiger Reserve,  
365/1, Meenkarai Road,  
Pollachi-1,  
Coimbatore District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to dispose of the representation of the petitioner dated 13.05.2015 within the time frame by this Court.

For Petitioner : Mr.K.Thennan

For respondents : Mr.N.Inbanathan, GA(Forests)

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The writ petition has been filed for issuance of writ of mandamus directing the first respondent to dispose of the petitioner's representation dated 13.05.2015.

3.It is the case of the petitioner that he was initially appointed as Forest Guard on 05.03.1990 and promoted as Forester on 17.08.2007. Based on the charge memo issued under Rule 17(a) he was awarded punishment of stoppage of increment for six months without cumulative effect on 30.11.2001 and the said punishment was completed on 30.06.2002.

4.The petitioner would further state that the petitioner is entitled for promotion to the post of Forester from 01.07.2002 onwards. The first respondent promoted the juniors of the petitioner vide order dated 09.05.2005. It is further alleged that since the petitioner filed the writ petition in WP.No.11639 of 2014, the respondents issued a fresh charge memo under Rule 17(b) on 05.04.2010 with four formulated charges. After enquiry, the enquiry officer submitted his report dated 18.11.2012 stating the charges have not been proved. Despite the same, the petitioner was not promoted and therefore he made representation dated 13.05.2015 to the first respondent seeking promotion as Forester with effect from 09.05.2002 and to consider his name for the post of Forest Range Officer with effect from 29.05.2014. Since, no order has been passed, the petitioner filed the present writ petition.

5.Heard the submissions of Mr.K.Thennan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate who accepts notice on behalf of the respondents.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the representation of the petitioner dated 13.05.2015 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/

ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1.The Principal Chief Conservator of Forest  
(head of the Forest Force)  
Panagal Maligai, Chennai-15.

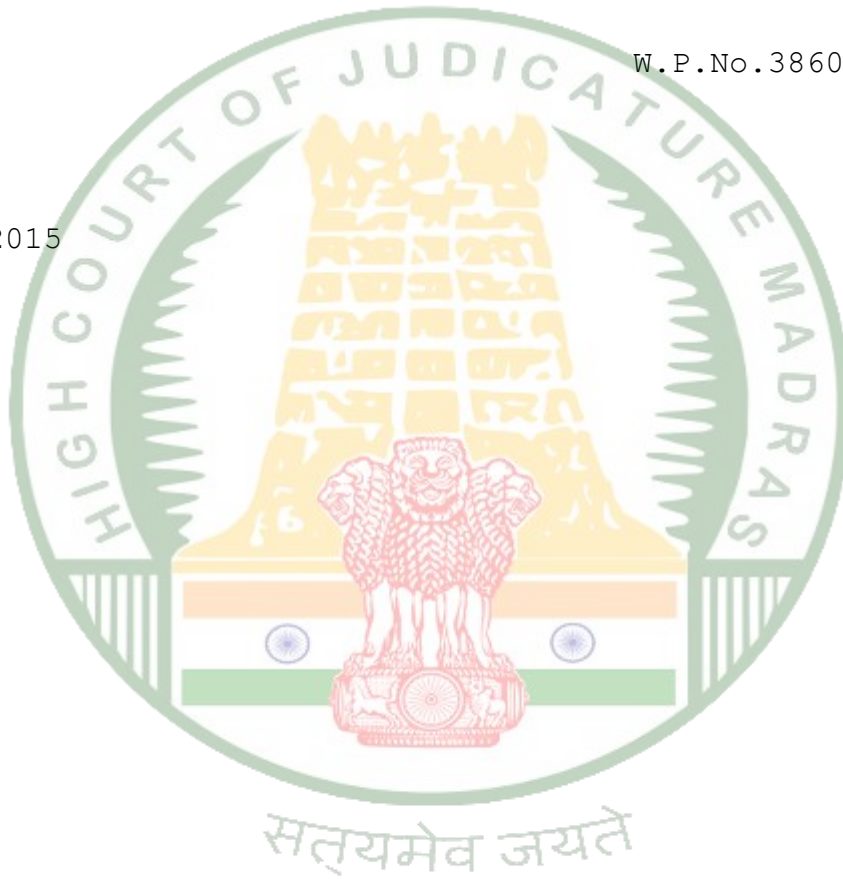
2.The Conservator of Forest and Director  
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3.The Conservator of Forests and Field Director  
Anaimalai Tiger Reserve,  
365/1, Meenkarai Road, Pollachi-1,  
Coimbatore District.

+1 CC to Special Govt.Pleader. SR.NO.65995

W.P.No.38601 of 2015

CO-RV  
JD 28/12/2015



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