

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7886 of 2015
& M.P.No.1 of 2015

- 1.K.Asokan
- 2.G.Sivamani
- 3.A.Anbu
- 4.K.Sudhakar
- 5.A.S.Mohan Ram
- 6.K.Sekar
- 7.K.Varadharajan
- 8.C.Mithran Jothi Pandian
- 9.M.Kalairajan
- 10.P.M.Rajkumar
- 11.K.Kaleeswara Moorthy
- 12.P.Aundiappan
- 13.R.Pillai Vinayagam
- 14.A.Raja Kulasekara Pandian
- 15.A.Palaniraj

(In respect of him (15th petitioner)
the writ petition stands dismissed as
withdrawn as per order dt. 13.05.2015 in
MP.2 of 2015 in W.P.7886/15)

- 16.M.Anbalagan
- 17.Tamil Nadu Forest Service Association,
Rep. by the President,
K.Asokan,
249/3, Pioneer Colony,
Anna Nagar West Extension,
Chennai 101.

सत्यमेव जयते

[Petitioners]

Vs

1. State of Tamil Nadu,
Rep. by
the Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 9.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai 15.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to follow the Special Rules for the Tamil Nadu Forest Service Rules strictly for giving promotion to the post of Assistant Conservator of Forests on the basis of seniority without going for the relaxation of the Special Rules for Tamil Nadu Forest Service and post the senior most Assistant Conservator of Forest in the cadre of Deputy Conservator of Forests as per the Special Rules of the Tamil Nadu Forest Service.

For Petitioner : Mr.R.Singaravelan
for M/s. Srividhya

For Respondents : Mr.N.Inbarajan AGP (Forest)

ORDER

The writ petition has been filed under Article 226 of the Constitution of India, by a group of persons, seeking to direct the respondents to follow the Special Rules for the Tamil Nadu Forest Service Rules for giving promotion to the post of Assistant Conservator of Forests on the basis of seniority without going for relaxation under the Special Rules for the Tamil Nadu Forest Service and post the senior most Assistant Conservator of Forest in the cadre of Deputy Conservator of Forests as per the Special Rules of the Tamil Nadu Forest Service.

2. It is the case of the petitioners, who are the members of the 17th petitioner-Association, which was recognized by the Government of Tamil Nadu as early as on 31.01.1959 in G.O.Ms.No.247, Forest Department, have worked as Forest Rangers and they were subsequently promoted to the post of Assistant Conservator of Forests and then to the post of Deputy Conservator of Forests. So far, all the promotions and postings have been given as per Rules 2(b) and 2(c) of the Tamil Nadu Forest Service Rules, by following the Rule of seniority, merit and ability. But unfortunately, the candidates in the post of Rangers, are also being promoted to the post of Assistant Conservator of Forests in relaxation of Rule 4(3) of the Tamil Nadu Forest Service Rules, under Rule 48 of the General Rules and after that, in relaxation of Rules 2(b) and 2(c) of the Tamil Nadu Forest Service Rules. The junior-most candidates in the post of the Assistant Conservator of Forests, viz., M.S.Prathiba and Mr.S.Uthayakumar were posted in the promotional post of Deputy Conservator of Forests, though they have not completed the required number of years of service, when the senior-most candidates are very much available and the said promotion is ultra-vires the above quoted Rules, unconstitutional and in violation of principles of natural justice.

3. Hence, the petitioners have given representation dated 12.02.2015 to the first respondent, but there was no response and the same is pending, as admitted by the learned Additional Government Pleader appearing for the respondents. Therefore, the petitioners filed this writ petition aggrieved by the undue promotion and the posting given to the juniors in relaxation of the Rules, which is illegal.

4. Heard Mr.R.Singaravelan, learned counsel representing Ms.M.Srividhya, learned counsel appearing for the petitioners and Mr.N.Inbarajan, learned Additional Government Pleader (Forests) appearing for the respondents. The additional affidavit and connected records have been perused.

5. The learned counsel appearing for the petitioners submitted that it is suffice to issue a direction to the first respondent to dispose of the said representation dated 12.02.2015 submitted by the petitioners, within a time frame as may be fixed by this Court.

6. The grievance of the petitioners is that though the senior-most candidates like them are available, the junior-most candidates were given promotion to the post of Deputy Conservator of Forests.

7. In view of the above submissions made by the learned counsel appearing for the parties, without expressing any view on the merits of the case, this Court feels that it is appropriate to give a direction to the first respondent to consider and pass orders on the said representation dated 12.02.2015, in the light of the relevant Rules governing the services of the petitioners in the Forest Department.

8. Accordingly, the first respondent-Secretary to Government, Environment and Forest Department, Secretariat, Chennai-600 005, is directed to consider the said representation dated 12.02.2015 and pass orders, on merits and in accordance with law, in the light of the relevant Rules governing the services of the employees in the Forest Department, after giving an opportunity of hearing to the petitioners and aggrieved parties, if any, within a period of eight weeks from the date of receipt of a copy of this order, or on production of a copy of this order by the petitioners along with a copy of the said representation, to the first respondent, whichever is earlier.

9. This writ petition is disposed of with the above observations and directions, insofar as the petitioners 1 to 14, 16 and 17. It is seen that the relief claimed insofar as the 15th petitioner is

concerned, the Writ Petition was dismissed as withdrawn, vide order dated 13.05.2015 in M.P.No.2 of 2015 in W.P.No.7886 of 2015. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cla

To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai 9.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai 15.

+1cc to M/s. M. Srividhya, Advocate, S.R.No.42757

+1cc to the Government Pleader, S.R.No.42952

AD(CO)
EU(03/09/2015)

W.P.No.7886 of 2015

सत्यमेव जयते

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