

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.Nos.19349 of 2012 and 30437 of 2014
& M.P.Nos.1 & 2 of 2014 in W.P.No.30437 of 2014

1. S. Sivakumar
2. S. Palanisamy
3. N. Ravindranath
4. K. Uthrsamy
5. V.P. Subramaniam
6. D. Sukumar
7. R. Saravanan
8. Arunprasath
9. R. Murugesan
10. T. Munirathinam
11. G. Kamalanathan
12. S. Krishnamoorthy
13. G.K.Murugan
14. R. Boopathy
15. M. Muralidharan
16. B. Seetharaman
17. K. Devarajan
18. T. Krishnan
19. C. Selvam
20. T. Kandeegan
21. M. Annapan
22. S. Balu
23. R. Ravichandran
24. K. Prakash
25. D. Pushbaraj
26. K.R.Palanisamy
27. R. Govindarasu
28. N. Peruamal

...Petitioners in W.P.No.19349
of 2012

1. R. Gunasekaran
2. P. Servarayan
3. L. Chandrasekaran
4. N. Prabakar
5. M. Ramalingam

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6. N. Ravindranath
7. P. Nallasivamurthy
8. R. Dhanasekaran
9. A. Rajendran
10. K.R. Palanisamy
11. K. Uthrasamy
12. S. Palanisamy
13. J. Sengottaian
14. S. Sivakumar
15. L. Subbarayan
16. O. Thangaraju
17. S. Arivazhagan
18. R. Senthilkumar
19. S. Senthilkumar
20. A. Chinnaraju
21. S. Karuppaiyan
22. N. Perumal
23. R. Ravichandran
24. K. Palanisamy
25. V.P.Subramaniam
26. P. Thangarasu
27. S. Senthilkumar
28. R. Neelamegan
29. P. Thiruneelagandan
30. K. Prakash
31. R. Murugesan
32. A. Kasilingam
33. S. Selvaraj
34. D. Pandurangan
35. V. Balamurugan
36. K. Ganabalamurugan
37. M. Annappan
38. N. Rajendran
39. K. Manikandan
40. K. Ramalingam
41. N. Palanisamy
42. R. Govindarasu
43. K. Periyannan
44. R. Kumaravelu
45. T. Krishnan
46. N. Venkatesan
47. R. Arunprasath
48. A. Mohamed Ali
49. C. Murugesan
50. G. Kamalanathan
51. V.Subramanian



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52. G.D.Moorthy
53. M. Selvam
54. T. Kandeegan
55. B. Seetharaman
56. G.K.Murugan
57. T. Munirathinam
58. S. Krishnamurthy
59. M. Neelakandan
60. S. Palanivel
61. R. Saravanan
62. C. Selvam
63. R. Murugesan
64. T. Thirumurugan
65. S. Kothandaraman

...Petitioners in W.P.No.30437
of 2014

-Vs.-

1. The Government of Tamil Nadu
rep. by its Principal Secretary to Government
Environment and Forest Department
Fort St. George
Chennai-600 009.
2. The Principal Chief Conservator of Forests
Forest Department
Panagal Building
1, Geenis Road
Saidapet
Chennai-15.

...Respondents in both W.Ps.

Prayer in W.P.No.19349 of 2012:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to consider the petitioners' promotion from the Forester to the post of Forest Ranger in the Forest Department by considering petitioners' representation dated 28.05.2012.

Prayer in W.P.No.30437 of 2014:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to promote the petitioners as Forest Range Officer from the post of Foresters by giving notional promotion to fix the seniority of Foresters from the year 2005 with retrospective effect on par with ministerial staffs and include their names in appropriate place to the post of Forest Range Officer for panel of the year 2014-2015 within stipulated time.

For Petitioner : Mr.R.Muthukumarasamy
in both W.Ps. Senior Counsel
for Mr.M.R.Jothimanian

For Respondents : Mr.N. Inbanathan
in both W.Ps. Government Advocate (Forest)

ORDER

These two writ petitions are at the instance of Foresters and the prayer is to consider them for promotion to the post of Forest Ranger in Forest Department taking into account their continuous service and completion of required training.

The facts:

2. The petitioners were appointed as Forest Guards through direct recruitment. The petitioners were promoted as Foresters in 2009-2010. The next avenue of promotion is to the post of Forest Ranger. The Recruitment Rules for appointment to the post of Forest Ranger provides that the candidate should have served as Forester for a period not less than eight years in case they have not successfully completed the course of training for Rangers. It is the case of the petitioners that they have undergone the required training and as such they are eligible for promotion to the post of Forest Rangers. The petitioners were not considered for promotion notwithstanding the fact that there are several vacancies in the post of Forest Ranger. The petitioners have submitted a representation requesting the Government to consider them for promotion. However, there was no follow up action taken by the respondents. The petitioners are therefore before this Court.

Defense:

3. The second respondent filed a counter affidavit wherein it was indicated that for promotion to the post of Forest Ranger, a person should have worked as Forester for eight years and he must have undergone Forester Training in Tamil Nadu Forestry Training College. According to the second respondent the petitioners have not completed eight years of service and as such they are not eligible for promotion.

Submissions:

4. The learned Senior Counsel for the petitioners contended that the question of completion of eight years of service would arise only in case the foresters have not undergone the Foresters Training.

According to the learned Senior Counsel, the petitioners have all undergone the required Forester Training and as such they are eligible for promotion to the post of Forest Ranger.

5. I have also heard the learned Government Advocate appearing on behalf of the respondents.

Factual Analysis:

6. The petitioners are all presently working as Foresters. The petitioners have not completed eight years of total service in the post of Foresters. Special Rules for Tamil Nadu Forest Subordinate Service contains the essential qualification and experience for promotion to the post of Forest Ranger. The method of recruitment is by promotion from the post of Forester. The qualification prescribed for the said post is that a candidate must have served for a period of eight years in the case of Foresters, who have not successfully completed a course of training for Rangers. According to the petitioners they have undergone the required course of training and as such the question of eight years of service would not attract in their case. A close reading of the provision relating to experience would support the case pleaded by the petitioners. The question of eight years of experience would arise only in case the concerned Forester has not successfully completed the course of training for Rangers. There is a further requirement that the Forester must pass the departmental test namely, Forest Law and Office Procedure and Accounts.

7. The second respondent has taken up a contention with regard to passing the departmental test. In case the petitioners have passed the required departmental test as indicated above and successfully completed the course of training for Rangers, necessarily their case should be considered for promotion to the post of Forest Rangers.

Disposition:

8. In the result, a writ in the nature of a writ of Mandamus is issued directing the respondents to consider the case of the petitioners for promotion in accordance with the Special Rules for Tamil Nadu Forest Subordinate Service and in the light of the above observation. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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9. The writ petitions are disposed of with the above direction. Consequently the connected MPs are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Principal Secretary to Government
The Government of Tamil Nadu
Environment and Forest Department
Fort St. George
Chennai-600 009.
2. The Principal Chief Conservator of Forests
Forest Department
Panagal Building
1, Geenis Road
Saidapet
Chennai-15.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.16569
+2cc's to the Government Pleader, S.R.No.17164 & 17163

W.P.Nos.19349/2012
& 30437/2014

BKY (CO)
CA(01/04/2015)

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