

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17523 of 2016

N.Perumal

.. Petitioner

Vs.

1.The Principal Chief Conservator of Forests
and Head of Forest Force
Chennai-600 015.

2.The Conservator of Forests
Dindigul Circle
Dindigul.

3.The District Forest Officer
Dindigul District
Dindigul.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider the claim of the petitioner for notional absorption of the petitioner as Forest Watcher on par with his junior S.Samiappan, and for consequential service and monetary benefits and pass orders thereon on or before 30.06.2016.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.N.Inbanathan
Standing Counsel for Forest

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to consider the claim of the petitioner for notional absorption of the petitioner as Forest Watcher on par with his junior S.Samiappan, and for consequential service and monetary benefits and pass orders thereon on or before 30.06.2016.

3. The petitioner joined service as Plot Watcher in the year 1983. The petitioner was absorbed as Forest Watcher, on 26.02.2008. The petitioner came to know that his junior, viz., one S.Samiappan, who joined service as Plot Watcher in the year

1985, was absorbed as Forest Watcher in 1995 and then promoted as Forest Guard in the year 2005 and thereafter, as Forester on 18.04.2013. Hence, the petitioner had made several representations to the authority concerned to give him notional absorption as Forest Watcher from 1995 on par with his junior S.Samiappan, and for consequential and monetary benefits. Since, there was no response, the petitioner again submitted a representation to the 1st respondent on 11.09.2015 requesting to set right the anomaly and to absorb him notionally on par with his junior S.Samiappan w.e.f. January, 1995; as Forest Guard from 10.07.2005; and as Forester from 18.04.2013, with consequential service and monetary benefits. But, till date, there was no response and hence, the Writ Petition has been filed.

4. Mr.M.Ravi, the learned counsel for the petitioner would submit that the petitioner is to retire from service on 30.06.2016 and hence, he would be satisfied, if his representation is directed to be considered and appropriate orders are passed on or before 30.06.2016.

5. Mr.N.Inbanathan, the learned Standing Counsel for the respondents, who takes notice for the respondents, has got no serious objection for directing the 1st respondent to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent, to consider the representation of the petitioner, dated 11.09.2015, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably, on or before 30.06.2016. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

paa

To

1.The Principal Chief Conservator of Forests
and Head of Forest Force
Chennai-600 015.

2.The Conservator of Forests
Dindigul Circle
Dindigul.

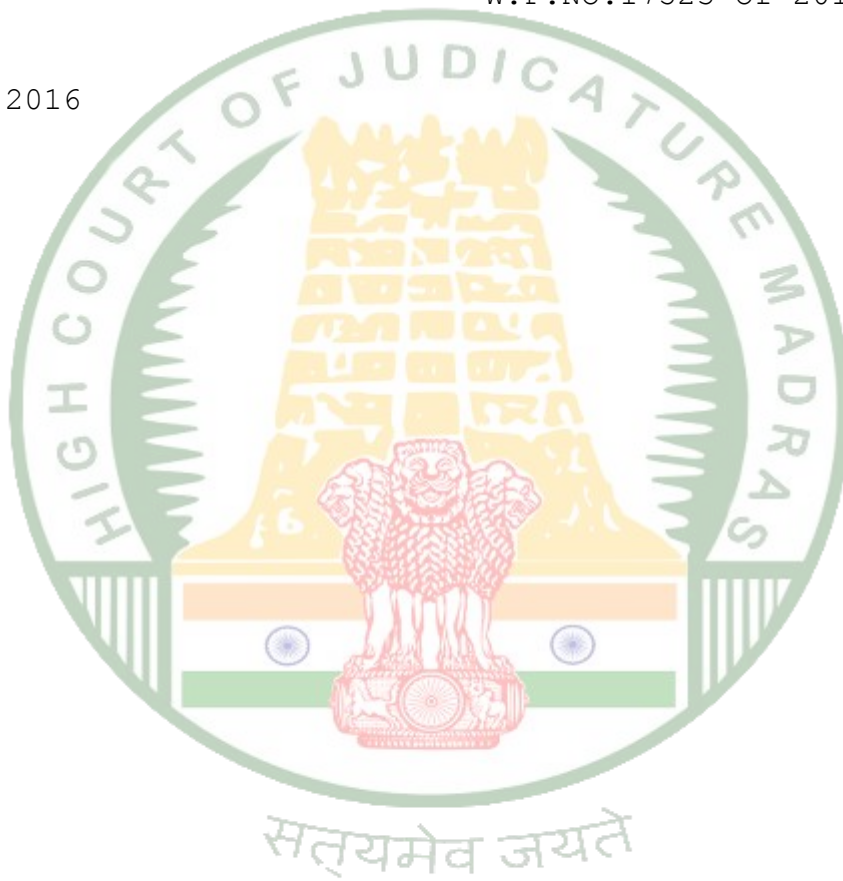
3.The District Forest Officer
Dindigul District
Dindigul.

1 cc to M/s.M.Ravi, Advocate, sr.29144

1 cc to The Special Government Pleader, sr.29056

W.P.No.17523 of 2016

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