IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.19680 of 2014

R. Palani ... Petitioner

Vs.

1. Government of Tamil Nadu
   rep. by its Secretary
   Environment and Forest Department
   Fort St. George
   Chennai - 600 009

2. The Principal Chief Conservator of Forest,
   having office at Jennis Road,
   Saidapet, Chennai - 600 015.

3. The District Forest Officer,
   Thiruvannamalai,
   Thiruvannamalai District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner to the post of forester on compassionate grounds, considering his age and qualification as has been stated in the Government letter Ms.No.86/Q1/2010-2, Labour and Employment Q1 Department dated 04.05.2010 and in the light of the order dated 27.01.2014 in W.P.No.28670 of2011 by considering his representation dated 26.03.2014 within a time to be stipulated by this court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.M.K.Subramanianm,
Special Government Pleader (F)

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O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to appoint the petitioner to the post of Forester on compassionate grounds, considering his age and qualification as has been stated in the Government Letter

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Ms.No.86/Q.1/2010-2, Labour and Employment (Q1) Department dated 04.05.2010 and in the light of the order dated 27.01.2014 in W.P.No.28670 of 2011 by considering his representation dated 26.03.2014.

3. In the petition it is stated that the petitioner possessed Bachelor of Engineering (E.E.E) decree before the death of his father. The petitioner was working as Forest Watcher in the Forest Department. After his death, the petitioner was appointed to the post of Forest Guard by the proceedings of the conservator of Forest, Thiruvannamalai dated 14.02.2011 on compassionate ground. Subsequently, he was deputed to Reserve Force Range, Thiruvannamalai by the proceedings of the 3rd respondent dated 27.02.2012 and he has also joined duty on 29.02.2012 and probation was also declared in the said post. Since the petitioner was holding a professional degree, the respondents ought to have considered him for appointment to the post of Forester instead of Forest Guard. The petitioner came to know that the in the Forest Department, appointments have been given to three persons, who have acquired the qualification. Such appointments have been made on the basis of the Government letter NO.86/Q-1/2010-2, Labour and Employment Department dated 04.05.2010. In this regard, the petitioner has made a representation dated 26.03.2014 to the respondents, but the same was not considered. Hence, this petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court is constrained to pass the following order:

This Court directs the petitioner to give a copy of the representation dated 26.03.2014 along with a copy of this order to the second respondent 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 and pass appropriate orders, within a period of eight weeks.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mrp

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To

1. The Secretary, Government of Tamil Nadu
   Environment and Forest Department
   Fort St. George
   Chennai - 600 009

2. The Principal Chief Conservator of Forest,
   having office at Jennis Road,
   Saidapet, Chennai - 600 015.

3. The District Forest Officer,
   Thiruvannamalai,
   Thiruvannamalai District.

+1cc to M/s S.Mani, Advocate Sr.55095
+1cc to Special Government Pleader(Forest), High court, Madras.
Sr.54454

W.P.No.19680 of 2014

EV(CO)
RVR 24/10/2016

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