

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.27455 of 2016

M.Govindan

... Petitioner

Vs.

1. The State of Tamil Nadu ,
rep., by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 15.

... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for notional promotion to fit for the post of Assistant Conservator of Forests with effect from 2006-2007 panel on par with the junior's promotion in the light of G.O.(D).No.326, Environment and Forests(FR.1) Department dated 05.09.2012.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr. N.Inbanathan,
G.A. (F)

O R D E R

With the consent on both sides, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing the respondents to consider the claim of the petitioner for notional promotion to fit for the post of Assistant Conservator of Forests with effect from 2006-2007 panel on par with the junior's promotion in the light of G.O.(D).No.326, Environment and Forests(FR.1) Department dated 05.09.2012.

3. It is the case of the petitioner that the petitioner was selected by the Tamil Nadu Public Service Commission and appointed as Forest Apprentice and after undergoing Rangers training Course, he was appointed as Forest

Officer is the post of Assistant Conservator of Forests. Since the post of Assistant Conservator of Forest comes under State Service, the promotion to that post is by transfer. Likely, the petitioner's promotion is by transfer to the post of Assistant Conservator of Forest. The respondents have not prepared the seniority list to the post of Assistant Conservator of Forests from the years 1999 to 2004. The petitioner name was included in the seniority list 2002. The departmental promotion committee sat on 27.07.2004 and a combined panel has been prepared for five years. Aggrieved over the same, a Writ petition has been filed before this Court and stay has been granted for promotion and thereafter stay was vacated and finally promotion has been made on 15.07.2005 by G.O.Ms.No.242 E & F Department. But, the petitioner was not promoted.

5. Though the name of the petitioner was positioned in the 11th place in the selection list drawn up by the TNPSC, in view of Special Rule 8 A of the Forest Subordinate Service Rule, juniors of the petitioner were included in the panel and got promoted. Thereafter, the seniority list for the year 2007-08 has been prepared on 30.09.2008, which was a combined panel list. In that panel, the name of the petitioner was considered and included, but, at that time, as he reached the age of superannuation, he was allowed to retire from service on 30.09.2007.

6. While being so, the first respondent by G.O.(D). No.326 Environment and Forest (FR.1) Department, in the promotion panel list, dated 05.09.2012, has included Mr.A.Nagarajan, who has been charge sheeted and also facing the anti-corruption cases and retired subsequently from service, has been included in the panel for promotion to the post of Assistant Conservator of Forests with retrospective effect. From the date of retirement, the petitioner has continuously submitted his representations. But, no action has been taken on the same. Hence, the petitioner has come forward with the present writ petition.

7. I have heard the learned counsel for the petitioner and the Government Advocate, who has taken notice on behalf of the respondents.

8. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the respondents are directed to consider the claim of the petitioner for notional promotion for the post of Assistant Conservator of Forests with effect from 2006-2007 panel on par with the junior's promotion in the light of G.O.(D). No.326, Environment and Forests(FR.1) Department dated 05.09.2012 and pass appropriate order within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

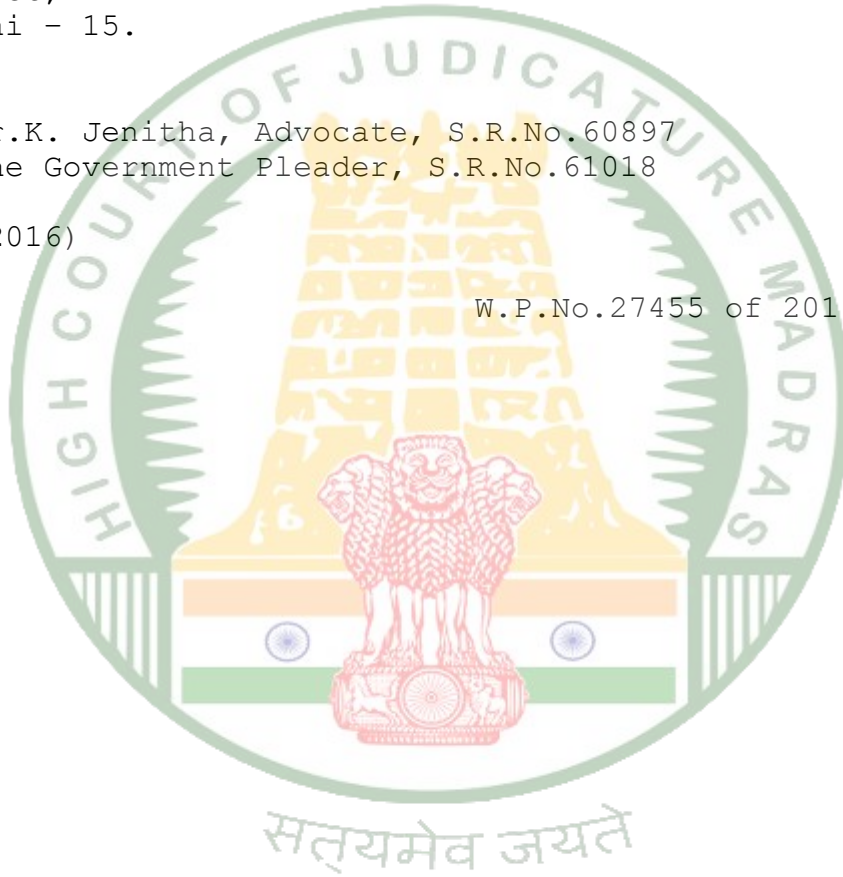
To

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

+1cc to Mr.K. Jenitha, Advocate, S.R.No.60897
+1cc to the Government Pleader, S.R.No.61018

md(22/11/2016)

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