

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.36916 of 2016

M.Mani

... Petitioner

.Vs.

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

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to confer notional promotion to the petitioner as Forest Guard on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 as per the order dated 04.06.2012 passed in W.P.No.701 of 2012 filed by the petitioner and in the light of the proceedings of the second respondent dated 10.10.2014 by considering the representation dated 20.10.2014 of the petitioner within a time limit to be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
Government Advocate (F)

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ORDER

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

2. The petitioner has filed this Writ Petition for issuance of a writ of mandamus to direct the respondents to confer notional promotion to the petitioner as Forest Guard on par with

his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 as per the order dated 04.06.2012 passed in W.P.No.701 of 2012 filed by the petitioner and in the light of the proceedings of the second respondent dated 10.10.2014 by considering the representation dated 20.10.2014 of the petitioner within a time limit to be stipulated by this Court.

2.The petitioner has already come to this Court by filing a writ petition No.701/2012 seeking a direction to the respondents to appoint him as regular time scale Forest Watcher taking into account of his seniority and qualification on par with his juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 20.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits. This Court allowed the same prayer stating that the issue was already covered and confirmed by the Division Bench and accordingly directed the respondents to pass orders appointing the petitioner as regular time scale Forest Watcher taking into account of his seniority and qualification on par with his juniors and grant consequential benefits to him. Now, the petitioner has come with the second writ petition seeking for notional promotion to the post of Forest Guard on par with his juniors.

3.Learned counsel for the petitioner submits that since the petitioner's juniors were given promotion to the post of Forest Guard, he made a representation dated 20.10.2014 to the respondents, which is kept pending. He has also brought to the notice of this Court the proceedings of the second respondent dated 10.10.2014 giving benefit of notional promotion to the post of Forest Guard to the similarly placed persons. Therefore, there cannot be any impediment for the respondents to consider the case of the petitioner.

4.Mr.N.Inbanathan, learned Government Advocate who takes notice for the respondents sought for 12 weeks time to consider the representation of the petitioner.

5.Since the order dated 10.10.2014 has already been passed by the second respondent, the representation of the petitioner could be considered. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 20.10.2014 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Environment and Forest Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

+1cc to Mr.S.Mani, Advocate, S.R.No.59789

+1cc to the Special Government Pleader(Forest), S.R.No.60557

W.P.No.36916 of 2016

LRS (CO)
CA(24/11/2016)

सत्यमेव जयते
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