

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40375 of 2016

S.Nirmala Devi

... Petitioner

Vs

- 1 The Principal Cheif
Conservator of Forest Office at Panagal
Maaligai Saidapet Chennai-600 015
- 2 The Conservator of Forest
Salem Region Salem District ... 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 promotion to the petitioner in the post of Forest Guard notionally with effect from 18.12.2000 instead of 8.8.2005 by transfer of service on par with similarly placed persons like her by considering her representation dated 5.10.2016 within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to confer promotion in the post of Forest Guard notionally with effect from 18.12.2000 instead of 8.8.2005 by transfer of service on par with similarly placed persons like her by considering her representation dated 5.10.2016 within a period that may be stipulated by this Court.

3. It is the case of the petitioner that her husband was employed as Forest Watcher in the Forest Department and he died on 27.1.1996 while in service. On his death, she sought for appointment on compassionate grounds and though she has possessed all requisite qualifications for being appointed as Forest Guard, she was appointed only as Office Assistant on 29.3.1996. Her service was also regularized and the next avenue of promotion is to the post of Forest Guard. While so, the similarly placed persons like that of the petitioner, who were appointed as Office Assistants on compassionate grounds, were promoted as Forest Guard by proceedings dated 29.9.2000. When the petitioner approached the second respondent seeking similar relief, the second respondent replied that there is no provision to appoint a female as a Forest Guard in the forest department. However, there is no rule or embargo prohibiting a female from being appointed as Forest Guard. Hence, she has submitted a representation dated 5.10.2016 to the respondents requesting them not to make any distinction among the male and female workers in the matter of conferment of promotion and promote her to the post of Forest Guard notionally with effect from 18.12.2000, the date on which the similarly placed persons were conferred with such promotion. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 5.10.2016 seeking promotion to the post of Forest Guard notionally with effect from 18.12.2000 instead of 8.8.2005 by transfer of service on par with similarly placed persons and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

sbi

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Sd/-
Assistant Registrar (CS VI)
/TRUE COPY/

Sub-Assistant Registrar

To

1 The Principal Cheif
Conservator of Forest Office at Panagal
Maaligai Saidapet Chennai-600 015

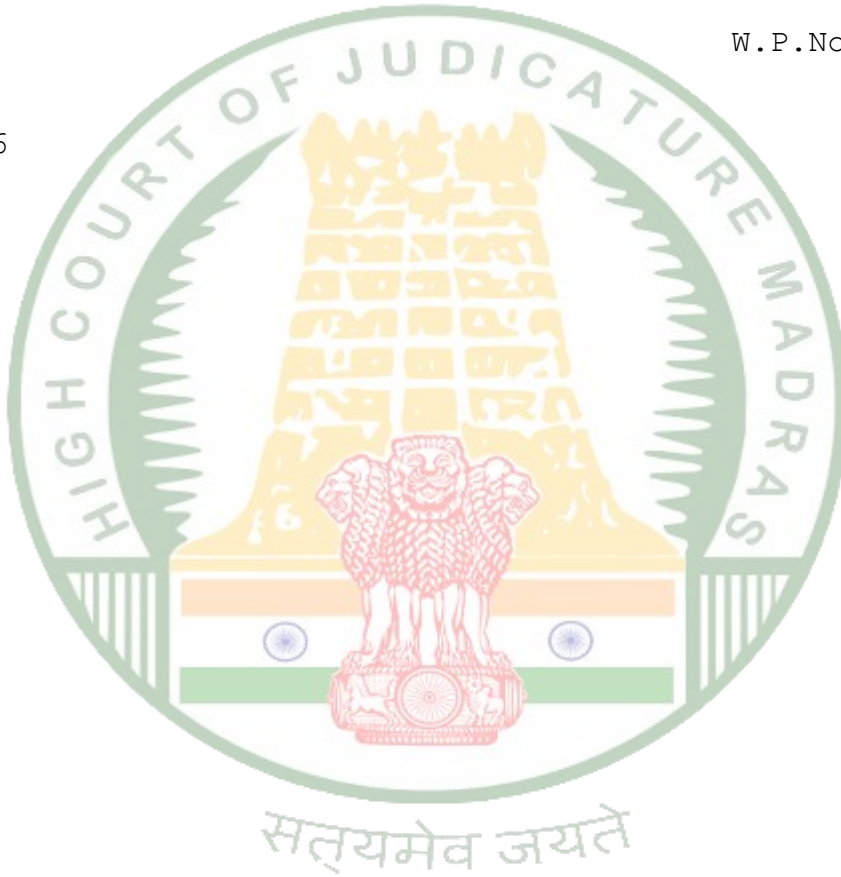
2 The Conservator of Forest
Salem Region Salem District

+1CC to MR.S.MANI Advocate SR.NO.66411

+1CC to SPL. GOVERNMENT PLEADER SR.NO.66643

W.P.No. 40375 of 2016

SR [CO]
MK:09/12/2016



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