

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Writ Petition No.40859 of 2016

1.B.Kandan

2.A.Suseela Bai

...Petitioners

.vs.

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

2.Principal Chief Conservator of Forest,
Panagal Maaligai,
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 petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 as per the order dated 04.06.2012 in W.P.No.417 of 2012 filed by the petitioners and in the light of the proceedings of the second respondent dated 10.10.2014 by considering the representation dated 29.02.2016 of the petitioners within a time limit to be stipulated by this Honourable Court.

For Petitioner :

Mr.S.Mani

For Respondents :

Mr.N.Inbanathan,
Government Advocate (F)

ORDER

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

2.The petitioners have filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents to confer notional promotion to the petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 as per the order dated 04.06.2012 in W.P.No.417 of 2012 filed by the petitioners and in the light of the proceedings of the second respondent dated 10.10.2014 by considering the representation dated 29.02.2016 of the petitioners within a time limit to be stipulated by this Court.

3.The petitioners have already come to this Court by filing a writ petition No.417 of 2012 seeking a direction to the respondents to appoint them as regular time scale Forest Watcher taking into account of their seniority and qualification on par with theirs juniors in the light of the proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits. This Court allowed the prayer stating that the issue was already covered and confirmed by the Division Bench and accordingly directed the respondents to pass orders, granting consequential benefits to the petitioners. Now, the petitioners have come with the second writ petition seeking for notional promotion to the post of Forest Guard on par with their juniors.

4.Learned counsel for the petitioners submit that since the petitioners' juniors were given promotion to the post of Forest Guard, they made a representation dated 29.02.2016 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 petitioners.

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

6.Since the order dated 10.10.2014 has already been passed by the second respondent, the representation of the petitioners could be considered. Accordingly, the second respondent is directed to consider the representation of the petitioners dated 29.02.2016 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the

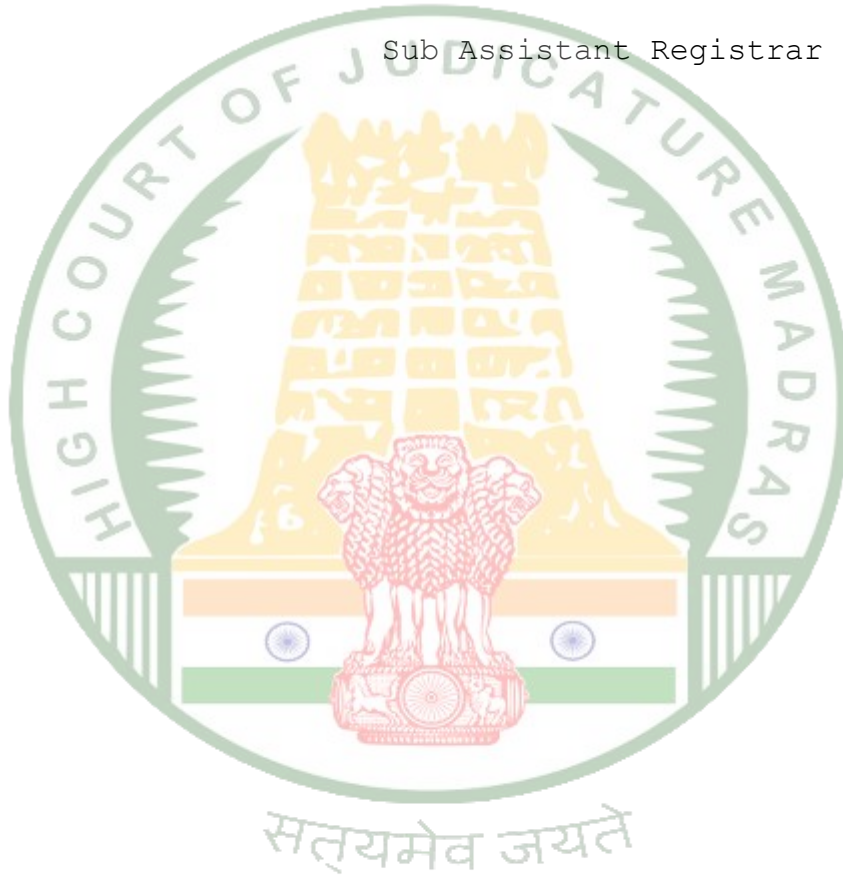
date of receipt of a copy of this order. No costs.

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

Sd/-
Assistant Registrar

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Sub Assistant Registrar



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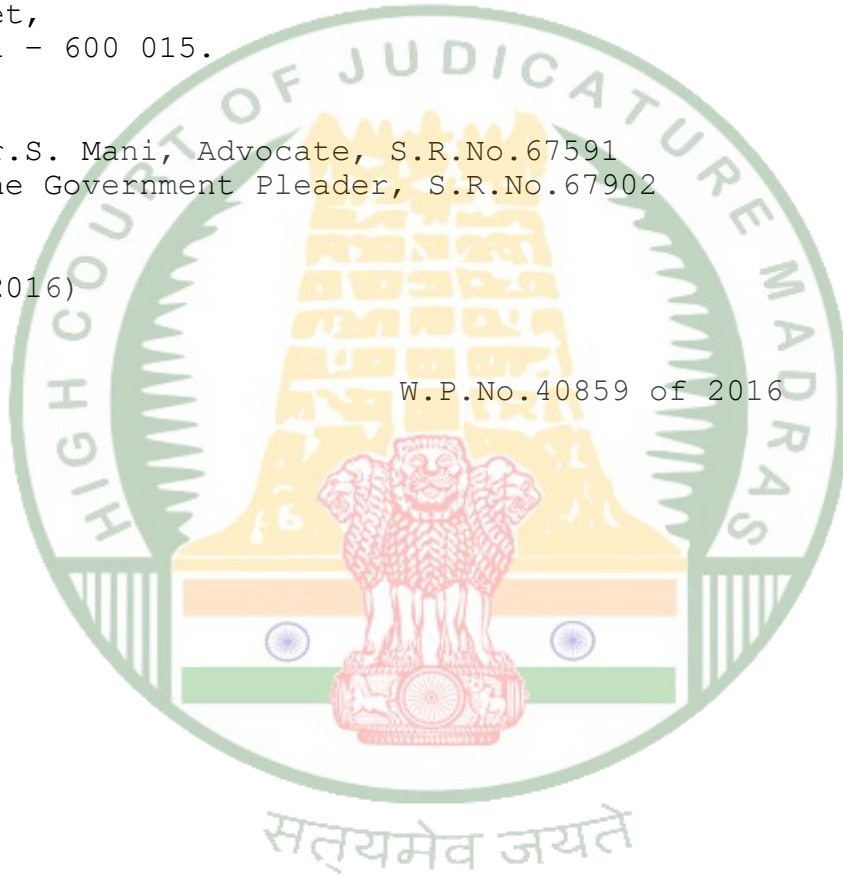
To

- 1.The Secretary to Government
Environment and Forest Department,
Secretariat,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Maaligai,
Saidapet,
Chennai - 600 015.

+2cc to Mr.S. Mani, Advocate, S.R.No.67591
+1cc to the Government Pleader, S.R.No.67902

mu(CO)
md(23/12/2016)

W.P.No.40859 of 2016



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