

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P.No.9956 of 2016

K.Sivakumar

... Petitioner

vs.

The Principal Chief Conservator of Forest,
Environment and Forest Department,
Fort St. George,
Chennai - 9. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to promote the petitioner as a Forester by including his name in the panel fit for promotion to the post of Forester for the year 2004-2005 and to fix his seniority by placing him above his Juniors.

For Petitioner : M/s.Selvi George
For Respondent : Mr.N.Inbanathan,
Government Advocate (Forests)

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondent to promote him as a Forester by including his name in the panel fit for promotion to the post of Forester for the year 2004-2005 and to fix his seniority by placing him above his Juniors.

2. According to the petitioner, he joined as a Junior Assistant in the respondent Forest Department in the year 1994. He was given special grade in the year 2014 and he was eligible to be promoted as a Forester by transfer of service for the year 2004-2005. The 1st respondent prepared the panel of Forest Guards (appointed upto 31.03.1991) and Assistant Draftsmen/members transferred from Tamil Nadu Ministerial Service fit for promotion as Forester in the year 2004-2005. As there are three modes of appointment to the post of Forester, viz. (i) Direct recruitment (ii) Promotion from among the holder

of the post of Forest Guards and (iii) Recruitment by transfer by the member of the Tamil Nadu Ministerial service in Forest Department and promotion from among the holder of the post of Assistant Draftsmen, the petitioner opted to transfer of service from the Ministerial service and participated in the test conducted by the Selection Committee.

3. The respondent released the list of candidates selected for the post of Forester, on 09.02.2005 vide proceedings No.AB1/61200/04, which included the names of only eight persons and the petitioner's name was not included in it. As per the seniority, his name was found vide Serial No.9. It is the further case of the petitioner that one N.Sigamani, who was one among the eight selected for the post of Forester, was issued with a show cause notice vide proceedings dated 27.09.2004 and is undergoing punishment. Such being the position, it is the case of the petitioner that his name ought to have been held over and he should have been given promotion to the post of Forester. Also pointing out that a similarly placed person, viz. T.Murugesan, has been included in the list for the year 2004-2005 and has been promoted to the next post of Forest Ranger, the petitioner made number of representations to the respondent to include his name in the panel for promotion to the post of Forester for the year 2004-2005. Since, there is no response from the respondent, having no other alternative, the petitioner is before this Court.

4. Learned counsel for the petitioner submitted that the petitioner was fully eligible for promotion to the post of Forester for the panel 2004-2005 and that the petitioner's grievance will be redressed if his representation is directed to be considered by the respondent with reference to the Select List released by the respondent for the panel year 2004-2005.

5. In view of the above, without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the respondent in respect of his grievance within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, with reference to the Select List released by the respondent for the panel year 2004-2005, within a period of six weeks thereafter.

With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aeb

To:

The Principal Chief Conservator of Forest,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

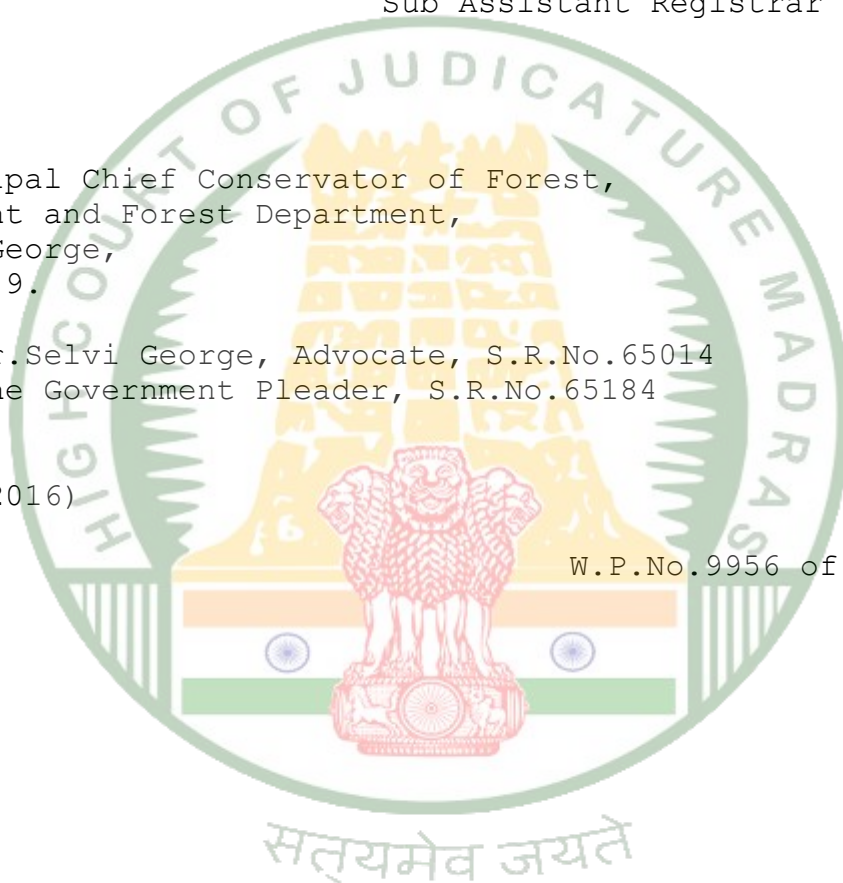
+1cc to Mr.Selvi George, Advocate, S.R.No.65014

+1cc to the Government Pleader, S.R.No.65184

nrjk(CO)

md(28/11/2016)

W.P.No.9956 of 2016



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