

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.823 of 2017

V.Venkatesan

... 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 Forest
Panagal Maaligai
Saidapet, Chennai - 600 015.
 - 3 The Conservator of Forest
Salem - 7,
Salem District.
 - 4 The District Forest Officer
Attur
Salem District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to confer notional promotion to the petitioner in the cadre of Forest Guard with effect from 15.03.1997 on par with his junior as per the recommendation made by the fourth respondent on 18.08.2015 and by the third respondent on 16.10.2015 within a specified time limit that may be prescribed by this Honourable court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan
Government Advocate (Forests)

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate (Forests) accepts notice on behalf of the respondents.

2.The petitioner was appointed as Plot Watcher on 23.01.1985 in the Forest Department on daily wage basis and on 18.01.1995, brought into regular time scale of pay and his probation was also declared on 18.01.1996 in the cadre of Forest Watcher. Petitioner was promoted to the post of Forest Guard on 17.06.2004 and as Forester on 27.12.2011. According to the petitioner, for promotion to the post of Forest Guard, the requisite qualification prescribed is that, those who are appointed on or after 13.11.1987 must possess a pass in S.S.L.C. The Government has also passed G.O.Ms.No.145, Environment and Forest Department dated 10.05.1995 in and by which 35% of the Forest Watchers who are eligible for promotion can be promoted to the next higher post of Forest Guard and according to him, even at the time of joining of the post, he has possessed the prescribed qualification and as such, he is eligible for promotion to the post of Forest Guard even during the year 1997.

3.The grievance now expressed by the petitioner is that at the time of giving promotion to several persons as Forest Guard, his genuine claim has been over looked and in this regard, had approached the concerned Officials in the form of representation dated 23.12.1997 and 16.08.1999 and taking into consideration of the same, the fourth respondent vide communication dated 18.08.2015, in Na.Ka.No.5822/2013/Pa2 and the third respondent vide communication dated 16.10.2015 made in Na.Ka.No.9528/2015/Pa1 have also made positive recommendation to the second respondent and however, orders are yet to be passed and therefore, came forward to file this writ petition.

4.Heard the submissions of the learned counsel appearing for the petitioner as well as the learned Government Advocate (Forests) appearing for the respondents.

5.Though, the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to act on the proposal of the fourth respondent dated 18.08.2015, in Na.Ka.No.5822/2013/Pa2 and on the proposal of the third respondent dated 16.10.2015 made in Na.Ka.No.9528/2015/Pa1 and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

sd/
Assistant Registrar(J)

/true copy/

Sub Assistant Registrar

To

- 1 The Secretary,
Government of Tamil Nadu
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
- 2 The Principal Chief Conservator of Forest
Panagal Maaligai
Saidapet, Chennai - 600 015.
- 3 The Conservator of Forest
Salem - 7,
Salem District.
- 4 The District Forest Officer
Attur
Salem District.

+1cc to S.Mani, Advocate, SR.No.2794

+1cc to the Additional Government Pleader SR.No.3283

W.P.No.823 of 2017

MP(CO)
GN(01/02/2017)

WEB COPY