

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3974 of 2017

V.Venkatesan

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. 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 Forester with effect from 21.02.2007 on par with his junior as per the recommendation made by the third respondent on 02.11.2015 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 would aver that he was appointed as Plot Watcher on 23.01.1985 in the services of the Forest Department on daily wage basis and on 18.01.1995 was brought into regular time scale of pay and his probation was declared on 18.01.1996. The petitioner got his promotion to the post of Forest Guard on 17.06.2004.

3.The petitioner would further aver that insofar as the promotion to the post of Forest Guard is concerned, the requisite qualification prescribed was that those who are appointed as Forest Watcher on or after 13.11.1987 must possess a pass in S.S.L.C. The first respondent has also passed Government Order in 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 post of Forest Guard and according to the petitioner, he has passed Higher Secondary (Science Group) and on 17.01.1997 has also completed two years of service in the cadre of Forest Watcher and as such, he was eligible to be considered for promotion to the post of Forest Guard during January, 1997.

4.The grievance now expressed by the petitioner is that in the year 1997, a panel was drawn for promotion to the post of Forest Guard, in which, the name of the petitioner was not included for the reasons best known and however, persons who are similarly placed, were considered and would further aver that persons who are juniors to him namely, Tvl.M.P.Mohan and Tvl.R.Gunasekaran were given promotion to the post of Forest Guard with effect from 13.03.1999 and as such, he is also eligible to be considered for promotion to the post of Forest Guard, prior to that date and in this regard, he has submitted a representation dated 10.06.2015 and the third respondent has sent a proposal dated 16.10.2015 to the second respondent and since no orders have been passed on the said proposal, came forward to file the present writ petition.

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

6.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 third respondent dated 16.10.2015 in Na.Ka.No.9528/2015/P1 and pass appropriate 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.

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

Sd/-
Assistant Registrar

//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 Mr.S. Mani, Advocate, S.R.No.10344

+1cc to the Spl.Government Pleader (Forest), S.R.No.10749

nm(CO)
md(07/03/2017)

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