

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.1088 of 2010

M.Selvaraj

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
rep by its Secretary,
Forest Department,
Fort St. George,
Chennai-600 009.

2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to continue to fill up the post of Forest Guard by promotions from Watcher to the extent of 95% as per G.O.(P) No.183, E&F Department, dated 19.9.2002 till the stagnated Watchers are promoted.

For Petitioner : No appearance

For Respondents : Mr.P.Sanjay Gandhi, AGP
for Mr.Santhana Raman, Spl.G.P.

ORDER

No representation for the writ petitioner when the matter was called. Learned Additional Government Pleader Mr.P.Sanjay Gandhi, representing learned Special Government Pleader (Forests) Mr.Santhana Raman, is present.

2 The writ petitioner, at the time of filing the writ petition in the year 2010, was 50 years old. The writ petitioner has stated that he was appointed as Forest Watcher on 1.10.1981 on consolidated pay. It is the further case of the writ petitioner that Forest Watcher is the feeder category for promotion to the post of Forest Guard.

3 Writ affidavit is dated 19.1.2010 and therefore, as of now, the writ petitioner should be well over 57 years of age.

4 Be that as it may, on the basis of the contention that Forest Watcher is the feeder category for promotion to the post of Forest Guard, the writ petitioner has sought for a mandamus to the respondents to continue to fill up the post of Forest Guard only by way of promotion from Watcher to the extent of 95% till all Watchers are promoted. For this purpose, the writ petitioner would pivot and pitch himself on G.O.(Ms)No.183, Environment and Forest Department dated 19.9.2002.

5 A perusal of the prayer in the writ affidavit would reveal that it is extremely wide and specious in nature. In other words, the writ petitioner is espousing the cause of all Watchers in the Forest Department in the State of Tamil Nadu. It is in the nature of a Public Interest Litigation.

6 There can be no two opinions that the principle that there can be no Public Interest Litigation in service jurisprudence is well settled. Therefore, this writ petition deserves to be dismissed on that short ground.

7 However, considering the facts and circumstances of the case and the nature of duties of the writ petitioner, I take a liberal view and pass the following order.

8 It is seen from the typed set of papers that the writ petitioner has sent a representation dated 15.2.2009 to the Government (first respondent before me) with a prayer to stop direct recruitment to the post of Forest Guard until all Forest Watchers are promoted.

9 A perusal of the representation dated 15.2.2009 reveals that the same has been predicated on the very same facts and grounds that have been raised in this writ petition.

10 Though the representation dated 15.2.2009 found at page 25 of the typed set of papers is addressed to the Principal Secretary to Government, Forest and Environment Department, I direct the first respondent to dispose of the said representation in a manner known to law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

11 The outcome of disposal of the said representation shall be communicated to the writ petitioner by the office of the first respondent within a fortnight's period from the date of disposal of the representation.

12 The writ petition is disposed of on the above terms. No costs.

Sd/-
Asst.Registrar (CCC)

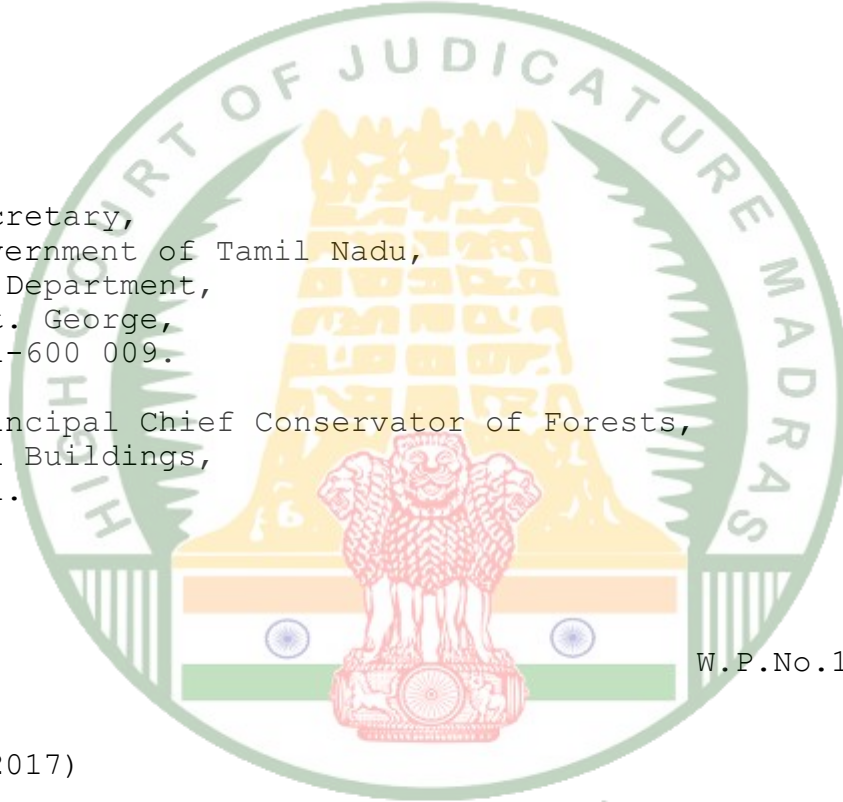
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Sub Asst. Registrar

vvk

To

1. The Secretary,
The Government of Tamil Nadu,
Forest Department,
Fort St. George,
Chennai-600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai.



W.P.No.1088 of 2010

MV (CO)
VR (07/08/2017)

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