

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 27886 of 2011  
and  
M.P. No.1 of 2011

R. Ravikumar

.. Petitioner

Vs.

1. The Government of Tamilnadu  
rep. By Secretary to Govt.,  
Environment and Forests Department  
Fort St. George, Chennai-9.
2. The Principal Chief Conservator  
of Forests, Panangal Buildings  
Chennai - 15.
3. The Conservator of Forests  
Vellore Circle  
Vellore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order in Govt. Lr. No.14123/FR.2/2009-13 dated 17.02.2011 of the first respondent, to quash the same and to issue directions to the respondents to regularly appoint the petitioner as Forester by recruitment by transfer from Tamil Nadu Ministerial Service in the Forest Department with notional effect from the panel year 1997 with all consequential benefits and pass such further orders.

For Petitioner : Mr. M. Ravi

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

O R D E R

The petitioner has filed the present writ petition, seeking to quash the order passed by the first respondent in Govt. Lr. No.14123/FR.2/2009-13 dated 17.02.2011 and to issue directions to the respondents to regularly appoint the

petitioner as Forester by recruitment by transfer from Tamil Nadu Ministerial Service in the Forest Department, with notional effect from the panel year 1997 with all consequential benefits.

2. According to the petitioner, he was appointed as Junior Assistant in the respondent department, on compassionate grounds and joined service on 24.02.1993. His services were regularised and was promoted as Assistant thereafter. Subsequently, the petitioner obtained B.Sc. Degree and passed the departmental tests. During the year 1997, the petitioner submitted his option to be appointed as Forester, as per Rule 2 of the Special Rules for Tamil Nadu Forest Subordinate Service. In the year 2000, the petitioner was informed that as his services as Junior Assistant has not been regularised, his request cannot be considered. After regularisation of his services with effect from 24.02.1993, vide G.O. [3D] No.16 Environment and Forest Department [FR1] Department dated 27.04.2005, the petitioner again submitted his representation to consider him for appointment as Forester. Though, no order was passed, the petitioner was orally informed that since he has crossed the upper age limit prescribed for the said post, i.e., 37 years for M.B.C, his request cannot be considered. Aggrieved by the same, the petitioner again submitted a representation on 10.04.2007 to the 2<sup>nd</sup> respondent.

3. Whiles, in a similar case, based on the orders of this Court dated 19.04.2002 in O.A. Nos. 4898/1994 and 3483/2002, the Government issued orders in G.O.Ms. No. 222 Environment and Forest Department dated 22.11.2002 relaxing the rule with regard to the upper age limit of one R. Kalyanamoorthy. Hence, the petitioner made a representation on 10.12.2008 to the 1<sup>st</sup> respondent/ Government seeking to grant relaxation of Rule 4(b)(iv) of the Special Rules relating to upper age limit in his case also and to appoint him as Forester with effect from the year 1997 with all consequential service and monetary benefits, as was done in the case of R. Kalyanamoorthy in the Government order dated 22.11.2002. Since no orders were passed by the 1<sup>st</sup> respondent, the petitioner filed W.P. No.1200/2009 seeking for a Mandamus. Pursuant to the orders passed by this Court dated 01.07.2009, the petitioner submitted a fresh representation on 10.08.2009 but the same was rejected. Aggrieved by the said rejection order, the petitioner filed a review petition on 11.04.2011, to consider his case in the light of G.O.Ms.No.222 Environment and Forest Department dated 22.11.2002. Since no orders have been passed by the 1<sup>st</sup> respondent in the review petition, the petitioner has filed the present writ petition, seeking the aforesaid prayer.

4. Learned counsel for the petitioner submitted that it is suffice, if this Court directs the 1<sup>st</sup> respondent to consider and pass orders in the review application dated 11.04.2011, within the period stipulated by this Court.

5. Learned Government Advocate representing the Department submitted that the if the said review application is still pending with the 1<sup>st</sup> respondent, the same would be considered on merits and in accordance with law.

6. Considering the submissions of learned counsel, without expressing any opinion on the merits of the case, this Court is inclined to pass the following orders :

- i. The petitioner is directed to submit a copy of the representation, along with all additional particulars to the 1<sup>st</sup> respondent, within a period of one week from the date of receipt of a copy of this order.
- ii. On receipt of the same, the 1<sup>st</sup> respondent is directed to consider the review application of the petitioner dated 11.04.2011, on merits and in accordance with law, taking into consideration the contentions of the petitioner, pass orders within a period of eight weeks thereafter.
- iii. The writ petition is disposed of, on the above terms. Consequently, the connected M.P is closed. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Govt. of Tamilnadu,  
Environment and Forests Department  
Fort St. George, Chennai-9.

2. The Principal Chief Conservator  
of Forests, Panangal Buildings  
Chennai - 15.

3. The Conservator of Forests  
Vellore Circle, Vellore District.

+1 cc to Mr.M.Ravi,advocate,sr.22161  
+1 cc to Govt.Pleader,sr.21975

kgk(co)  
krd 19/4

W.P. No.27886 of 2011  
and  
M.P. No. 1 of 2011