

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44582/2016

Kuppammal

.. Petitioner

Vs

1.The Secretary to Government
State of Tamil Nadu, Environment
and Forest Department, Fort
St George, Chennai-9.

2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai-15.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to correct the spelling mistake [Thoondimuthu] which has occurred in the select list of Forest Guard and regularise the services rendered by petitioner husband late Mr.Thoondimuthu in the post of Plot Watcher / Social Forestry Worker and consequently, promote him to the post of Forest Guard on par with his juniors and place him above his juniors and grant all monetary benefits and sanction the family pension by taking 50% of the temporary services rendered by petitioner husband in the post of Forest Watcher and other benefits.

For Petitioner : Mrs.Selvi George

For Respondents : Mr.N.Inbanathan, GA [Forests]

ORDER

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 state that her husband late Thoondimuthu, joined the Tamil Nadu Forests Department and served as Plot Watcher-cum-Social Forestry Worker from 12.12.1983 and was attached to the office of the Forest Range

Officer, Pudukottai Range, Aranthagi and after serving for more than 33 years, was brought under Special Scale of Pay at Rs.2500-Rs.5000 and Basic Pay at Rs.500/- with effect from 07.08.2009 in a supernumerary post created vide G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009. The petitioner would further state that the name of her husband was also included in the Statewide Seniority List maintained by the 2nd respondent in Sl.No.3216 and the said list was prepared for the purpose of appointment to the post of Forest Guard by promotion. It is further averred that though the time scale of pay was granted as early as in the year 2009, her husband not given promotion to the next post of Forest Guard despite the fact that his name was included, not only in the Seniority List, but also in the Selection List and as such, he is entitled for promotion to the post of Forest Guard, as his juniors were already given such a benefit, even in the year 2010 itself. According to the petitioner, in stead of mentioning her husband's name as "THOONDIMUTHU", it has been wrongly mentioned as "M.THANDIMUTHU". This mistake came to the knowledge of the petitioner only after the demise of her husband on 15.06.2015 in a road accident and citing the said reason, compassionate ground appointment was sought for by the petitioner for her son and it was rejected and it was put to challenge.

3 The learned counsel for the petitioner would submit that the husband of the petitioner, while he was alive, has also submitted a representation to the 2nd respondent and the petitioner has also submitted a representation to the 2nd respondent in person and in spite of receipt and acknowledgment, those representations are yet to be disposed of and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 This Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate [Forests] appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the claim projected by the petitioner, permits the petitioner to submit one more representation to the 2nd respondent along with a copy of this order as well as copies of the earlier representations, within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, is directed to consider and dispose of the said representation on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner or to her representative and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Secretary to Government
State of Tamil Nadu, Environment
and Forest Department, Fort
St George, Chennai-9.
- 2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai-15.

+1cc to the Government Pleader SR.No.3292/17.

W.P.No.44582/2016

SR(CO)
GN(02/02/2017)



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