



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].Nos.721 and 722 of 2017
and
CMP(MD).Nos.5486 and 5487 of 2017

1.The Secretary to Government,
Environment and Forests (FR.1) Department,
Secretariat, Fort St.George, Chennai

2.The Principal Chief Conservator of Forest,
Office of the Principal Chief Conservator of Forests
Panagal Buildings, Saidapet,
Chennai - 600 015.

:Appellants in both WAs

Vs.

P.Aphilise :Respondent in WA No.721 of 2017/Petitioner

M.Sekar :Respondent in WA No.722 of 2017/Petitioner

PRAYER: These Writ Appeala are filed under Clause 15 of Letters Patents Act, against the order dated 25.02.2015 passed in W.P. (MD).No.20468 and 20469 of 2014.

Prayer in WP(MD) . 20468/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus calling for the records pertaining to the order passed by the 1st Respondent in G.O.(2D) No.97 Environment and Forests (FR-1) Department dated 04.12.2014, quash the same in so far as the non-inclusion of the name of the petitioner is concerned and consequently direct the Respondents herein to fix the crucial date of the panel of Rangers fit for promotion to the post of Assistant Conservator of Forest for the year 2014-2015 as 15.08.2013 and include the name of the petitioner herein in the said panel and promote the petition to the post of Assistant Conservator of forest placing him above his immediate Junior.



For Appellants
in both WAs

:Mr.V.R.Shanmuganathan,
Special Government Pleader

For Respondent
in both WAs

:Mr.P.Prabhakaran

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JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

These appeals are directed against the order dated 25.02.2015 passed in W.P.(MD).Nos.20468 and 20469 of 2014. The said writ petitions were filed by writ petitioners / respondents herein, praying to set aside the order passed by the first appellant in G.O.(2D) No. 97, Environment and Forests (FR-1) Department, dated 04.12.2014, in so far as it relates to non inclusion of the respondents in the said panel and to direct the appellants to fix the crucial date of the panel of Rangers fit for promotion to the post of Assistant Conservator of Forests for the year 2014-2015 as 15.08.2013 and include the name of the writ petitioners /respondents herein, in the said panel and promote them to the said post.

2.The Writ Court after hearing the parties found that the very same issue came up for consideration in WP(MD)No. 12678 of 2011 and order was passed granting relief to the writ petitioner therein. When this submission was made by the learned counsel appearing for the respondents / writ petitioners, the same was not disputed by the learned Special Government Pleader. In the said order it was held that the crucial date shall be fixed for appointment to the particular post as 15th August of every year.

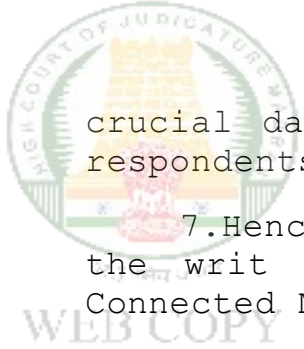
3. Thus following the said earlier order the writ petitions were disposed off by fixing the crucial date as 15.08.2014 and accordingly the writ petitions were allowed with further directions.

4.Further to be noted that the said order passed in those writ petitions were implemented. In the light of the fact that the earlier orders have been implemented, the question of taking different view in the present case alone does not arise.

5.The learned Special Government Pleader for the appellants submitted that in terms of the rule 4 (2) of Tamil Nadu Forests Conservant Service Rules, no person shall be eligible for appointment by direct recruitment by transfer as Assistant Conservantor of Foresets, unless he has passed Account Test for Executive Officers and Departmental Tests in Forest revenue and has completed 8 years of services. However this issue was never raised before the writ Court. Therefore such contention cannot be allowed to be raised in this appeal for the first time.

<https://hcservices.courts.gov.in/hcservices/>

6.All that the writ court considered was what would be the



crucial date to be fixed and that was answered in favour of the respondents/ writ petitioners.

7.Hence, we are not inclined to interfere with the orders of the writ court and the writ appeals are dismissed. No Costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

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