

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1781 of 2018 and CMP.No.14431 of 2018

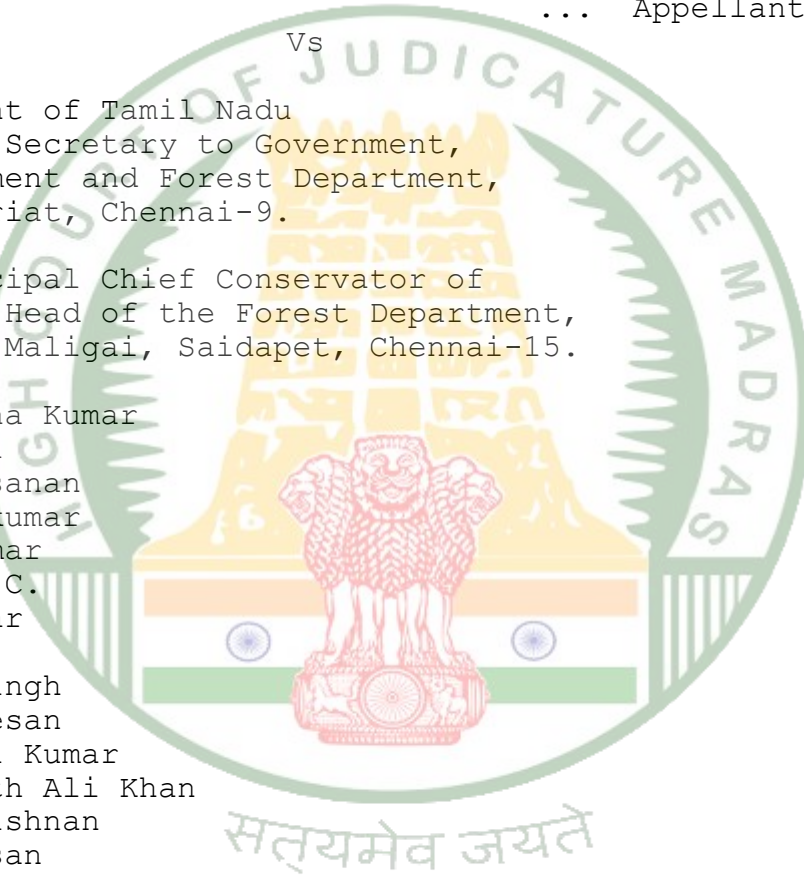
M.Subramani

... Appellant/Petitioner

Vs

1. Government of Tamil Nadu
rep. by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai-9.
2. The Principal Chief Conservator of
Forest, Head of the Forest Department,
Panagal Maligai, Saidapet, Chennai-15.
3. V.Saravana Kumar
4. P.Senthil
5. L.Kamalasanan
6. S.M.Sasikumar
7. P.Arunkumar
8. Kalyani, C.
9. G.Ramkumar
10. S.Ethiraj
11. S.Jaya Singh
12. V.Venkatesan
13. I.Senthil Kumar
14. P.Liyakath Ali Khan
15. S.Balakrishnan
16. K.Murugesan
17. V.Pithalmani
18. S.Krishnamoorthy
19. M.Raju
20. P.Murugadoss
21. M.Sivalingam
22. R.Selvam
23. S.Kamu
24. M.Jaffar
25. S.Arunachala Boopathi
26. R.Suresh

... Respondents



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Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 16.04.2018 made in W.P.No.34074/2017 by a learned Single Judge.

WP.NO.34074/2017:

Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records on the file of the 2nd respondent herein in Ref No.B2/ 13547/2016 dated 30.11.2017 quash the same to the limited extent of prescribing 6 years of regular service in the post of Forester as on 15.08.2017 and consequently direct the respondents to relax the rules 5(iii) of Special Rules of Tamil Nadu Forest Subordinate Service by reducing the qualifying service from 8 years to 5 years as made in respect of promotion to the post of Forest Rangers for the year 2015-2016 in Proc.No.B2/ 35145/2015 dated 12.08.2016 by the 2nd respondent.

For Appellant :: Mr.G.Sankaran
for M/s.T.Dharani

For Respondents :: Mr.Bala Ramesh,
Addl. Govt. Pleader for R1 & 2
Mr.L.Chandrakumar for R4 & 6

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 16.04.2018 made in W.P.No.34074/2017 by a learned Single Judge.

2. The Writ Petition has been filed challenging the Proceedings of the 2nd respondent dated 30.11.2017 and to quash the same to the limited extent of prescribing 6 years of regular service in the post of Forester as on 15.8.2017 and consequently, direct the respondents to relax the rules 5(iii) of Special Rules of Tamil Nadu Forest Subordinate Service by reducing the qualifying service from 8 years to 5 years as made in respect of promotion to the post of Forest Rangers for the year 2015-2016 by the 2nd respondent. The said writ petition was dismissed by the learned Single Judge by order dated 16.4.2018. Aggrieved over the same, the writ petitioner is before this Court with this Writ Appeal.

3. Heard both sides. We have also perused the materials available on record including the order of the learned Single Judge.

4. At the outset, a perusal of the Proceedings dated 30.11.2017 of the 2nd respondent reveals that it is nothing, but instructions issued to the authorities calling particulars of all the qualified foresters as on 15.8.2017. Therefore, a panel has to be finalised as per the Notification. In the interregnum, the appellant sought a prayer to grant relaxation in respect of the service experience from 8 years to 6 years and the same is pending consideration. Though, according to the appellant, in the earlier panel issued in the year 2015-2016, the 2nd respondent has granted relaxation of the qualifying service from 8 years to 5 years and therefore, the same benefit has to be extended to the appellant also for promotion to the post of Forest Ranger, this Court is of the view it is the policy decision of the Government. Further, as submitted by the learned Additional Government Pleader appearing for the respondents 1 and 2 herein, during the year 2015-2016, there was a large number of vacancies and in order to run the administration smoothly, promotions were provided by granting relaxation of rules. Therefore, 'relaxation' can never be granted as a matter of right.

5. Further, as observed by the learned Single Judge, after calling for the names of all the eligible candidates, the competent authorities have to consider the eligible candidates and publish an approved panel and thereafter grant promotion in accordance with the rules based on the Proceedings of the 2nd respondent dated 30.11.2017, which does not give any cause of action for the appellant to file a writ petition. Therefore, the learned Single Judge has rightly dismissed the writ petition as a premature one. We also find no infirmity in the order of the learned Single Judge.

6. In the result, the Writ Appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

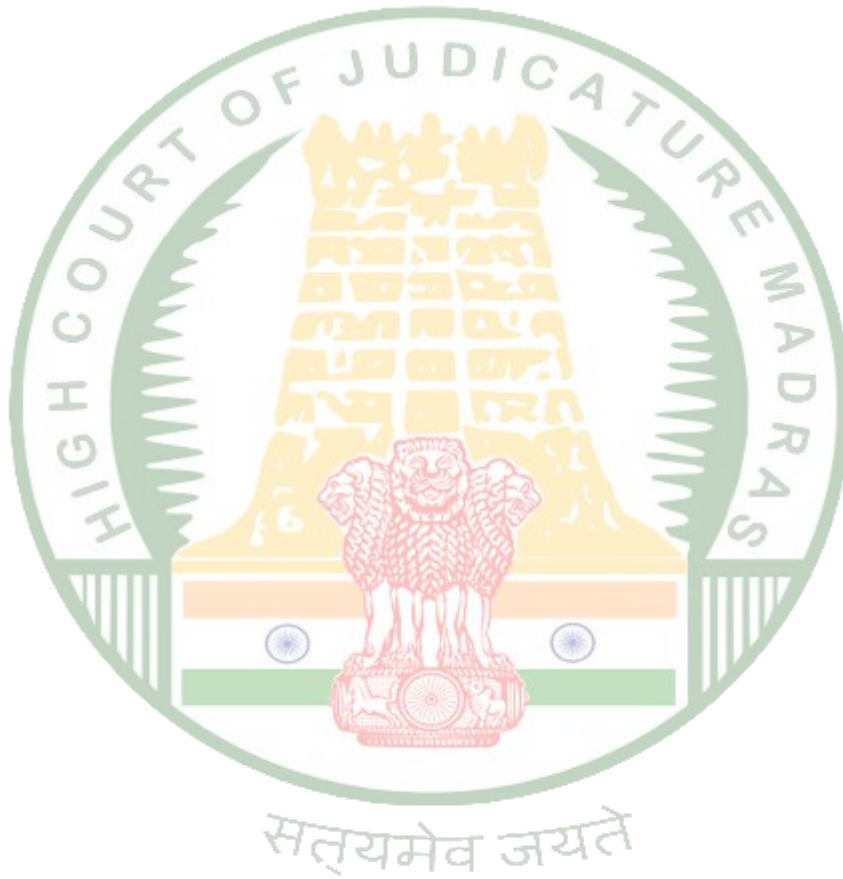
To

1. Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai-9.
2. The Principal Chief Conservator of
Forest, Head of the Forest Department,
Panagal Maligai, Saidapet, Chennai-15.

+1cc to M/s.T.Dharani, Advocate sr.no.57716
+1cc to Mr.L.Chandrakumar, Advocate sr.no.56936
+1cc to Special Government Pleader sr.no.56610

W.A.No.1781/2018

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