

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.44457 of 2006

1. V.A.Saravanan
 2. S.M.Natarajan
 3. K.N.Kumaresan
 4. T.Sivakumar
 5. S.Arokiyaraj Xavier
 6. M.Nazir
 7. R.Chandrababu
 8. L.C.S.Rajkanth
 9. M.Senthil Kumar
- Petitioners

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Environment and Forests Department,
Fort St. George, Chennai-9.
 2. The Principal Chief Conservator of
Forests, 1 Jeenis Road, Saidapet,
Chennai-15.
- Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to include the names of the petitioners in the ensuing panel of Foresters fit for promotion to the post of Ranger by applying the rules and in the light of the orders of the Hon'ble Apex Court in S.L.P. (C) Nos.589-92/1992 dated 05.02.1996.

For petitioners : Mr.P.Poothasamy
for Ms.Selvi George
For respondents : Mr.R.K.Ramesh,
Government Advocate (F)

O R D E R

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to include the names of the petitioners in the ensuing panel of Foresters fit for promotion to the post of Ranger by applying the rules and in the

light of the orders of the Hon'ble Apex Court in S.L.P. © Nos.589-92/1992 dated 05.02.1996.

2. The case of the petitioners is that they were appointed in different categories in the Forest Department and ultimately, they were promoted as Foresters on different dates and they have been working in the post of Foresters for more than 10 years. They were also deputed to Foresters Training in the Forestry Training College, Vaigaidam and emerged successful and they have secured 1st rank in the training and awarded with the Merit Certificates.

3. The further case of the petitioners is that as per Special Rule 11(b) (iii) of the Tamil Nadu Forest Subordinate Service Rules, the Foresters, who stand first in the final examination in the Foresters course of training in the Forestry Training School, Vaigaidam, are exempted from the qualification prescribed under Rule 11(b), 11(b) (iii) and 11(d) and such foresters who secured 1st rank in the Foresters Training were sent to the Forest College to undergo the Rangers training for promotion to the post of Ranger.

4. Now the grievance of the petitioners is that in view of the above exemption, they are all entitled to avail the said benefits. Seeking the same, three Foresters, namely, K.Kuppusamy, S.David Raj and V.Mohan Sundar Visweswariah have approached the State Administrative Tribunal vide O.A.Nos.2113/90, 954/91 and 1346/91 claiming exemption and further promotion as Ranger on the ground that they have secured the Merit Certificate. The same was contested by the Government by issuing G.O.962, Forests and Fisheries Department dated 04.11.1978 wherein the Government had dispensed with giving promotion to the trainees for a Forester who secured 1st rank in the final examination in the Foresters Training College. Therefore, by order dated 8.11.1991, the Tribunal has rejected the claim of the applicants cited above. As against the said order, the applicants therein filed S.L.Ps. (Civil) Nos.5891-92/1992 wherein the Apex Court has set aside the orders of the Tribunal and remitted the matter back to the Tribunal for fresh disposal vide order dated 05.02.1996.

5. Heard the learned Counsel on either side and I have also perused the materials available on record carefully.

6. In the counter affidavit filed by the respondents, it has been stated that the promotional post of Ranger is covered by the rules and contrary to the rules, no promotion would be awarded in favour of anyone.

7. In view of the specific stand taken by the respondents in the Counter Affidavit, I do not find any reason to issue Mandamus as prayed for by the petitioners. However, it is made clear that the promotion will be awarded only based on merits as per the relevant rules.

8. With the above observation, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.SELVI GEORGE, Advocate, S.R.No.44477

W.P.No.44457 of 2006

SS(CO)
TR(19/07/2018)

सत्यमेव जयते

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