

IN THE HIGH COURT OF JUDICATURE AT MADRAS

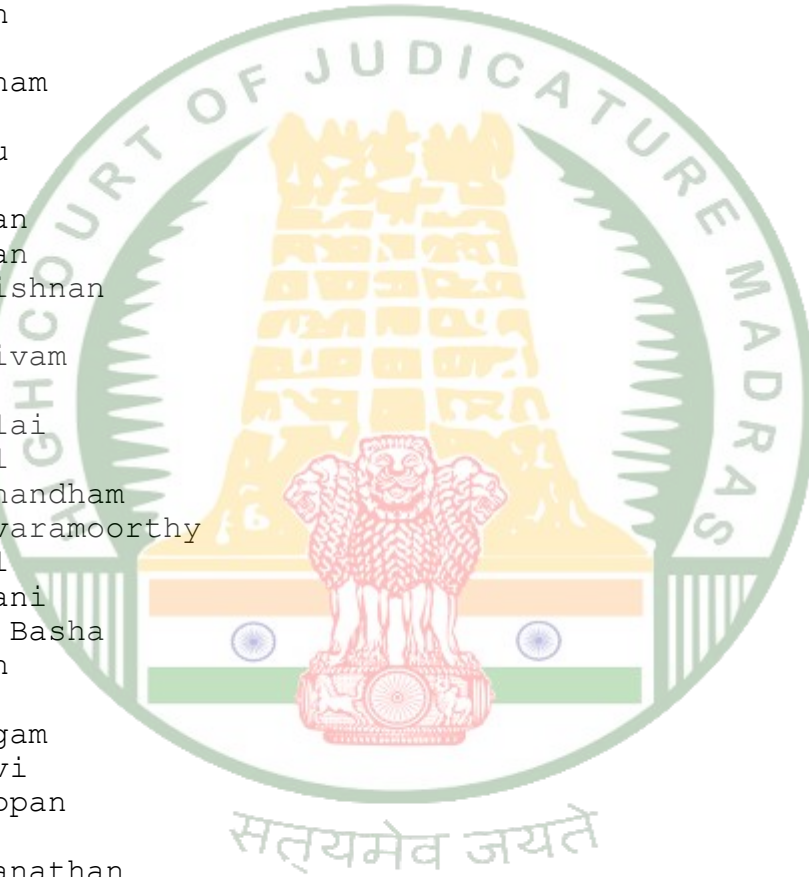
DATED : 28.01.2019

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 2141 of 2019

- 1.M.Govindan
- 2.G.Sekar
- 3.T.B.Rathinam
- 4.M.Mani
- 5.V.Uthirasu
- 6.J.Pandian
- 7.A.Rajendran
- 8.G.Maharajan
- 9.R.Radhakrishnan
- 10.M.Palani
- 11.A.Sathasivam
- 12.P.Ayothi
- 13.C.Annamalai
- 14.V.Jayapal
- 15.P.Muruganandham
- 16.P.Thandavaramoorthy
- 17.M.Perumal
- 18.P.Subramani
- 19.K.Samath Basha
- 20.D.Koothan
- 21.K.Raman
- 22.V.Shanmugam
- 23.V.Sanjeevi
- 24.V.Kaliyappan
- 25.A.sivan
- 26.V.Sathiyathan
- 27.R.Kuppan
- 28.C.Sugumaran
- 29.V.Chinnappan
- 30.M.Balakrishnan
- 31.M.Issac
- 32.T.Nagappan
- 33.N.Murugesan
- 34.A.Murali
- 35.C.Malathi
- 36.P.Natarajan



WEB COPY

... Petitioners

Vs

1. Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Forest St. George,
Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 600 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to consider the notional promotion to the petitioners as Forest Guard on par with their juniors by including their name in the panel drawn for the year 2003-2007 with effect from 31.05.2004 in the light of the order passed in W.P.No.15726 of 2016 dated 27.04.2016 and in the light of the proceedings of the second respondent dated 10.10.2014 by considering the representation dated 18.06.2018 of the petitioners with the time limit to be stipulated by this Court.

For Petitioners : Mr.S.Mani

For Respondents : Mrs.M.Lalitha
Government Advocate

ORDER

Mrs.M.Lalitha, learned Government Advocate takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners have come forward with this writ petition seeking a direction to the respondents to consider their representation dated 18.06.2018, with regard to notional promotion to the post of Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2007 with effect from 31.05.2004 as per the order dated 27.04.2016 passed by this Court in W.P.No.15726 of 2016 and also in the light of the proceedings of the second respondent dated 10.10.2014.

3. According to the learned counsel for the petitioners, in an identical case in W.P.No.15726 of 2016, this Court considered the issue involved herein and allowed the writ petition filed by

the similarly placed persons vide order dated 27.04.2016. The relevant passage of the said order reads as follows :

"2.The petitioners have already come to this court by filing writ petitions seeking directions to the respondents to appoint them as regular time scale Forest Watchers taking into account of their seniority and qualification on par with their juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 20.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits. This Court allowed the same prayer stating that the issue was already covered and confirmed by the division bench and accordingly directed the respondents to pass orders appointing the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification on par with their juniors and grant consequential benefits to them. Now, the petitioners have come with the second writ petitions seeking for notional promotion to the post of Forest Guard on par with their juniors.

3.Learned counsel for the petitioners submits that since the petitioner's juniors were given promotion to the post of Forest Guard, they made a representation dated 10.08.2015 to the respondent, which is kept pending. He has also brought to the notice of this court the proceedings of the second respondent dated 10.10.2014 giving benefit of notional promotion to the post of Forest Guard to the similarly placed persons. Therefore, there cannot be any impediment for the respondents to consider the case of the petitioners.

4.Mr.N.Inbanathan, learned Government Advocate who takes notice for the respondents sought for 12 weeks time to consider the representation of the petitioners.

5.Since the order dated 10.10.2014 has already been passed by the second respondent, the representation of the petitioners could be considered. Accordingly, the second respondent is directed to consider the representation of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of

twelve weeks from the date of receipt of a copy of this order. No costs."

Thus, the learned counsel prayed for a similar order in this writ petition as well, for which the learned Government Advocate appearing for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the petitioners' representation dated 18.06.2018 and pass appropriate orders, on merits and in accordance with law and also in the light of the proceedings of the second respondent dated 10.10.2014, after affording due opportunity of personal hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.
ms

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Forest St. George,
Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 600 015.

+36CCs To M/s.M.Mani, Advocate, Vide S.R.No.6567

+1cc to The Spl. Govt. Pleader, (Forest), High Court Madras.
(SR.NO.6605)

W.P.No.2141 of 2019

BR(CO)
Kak(28/03/2019)