

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27140 of 2019  
and W.M.P.No.26525 of 2019

P.Sakthi

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep.by Principal Secretary to Government,  
Environment and Forest Department,  
Secretariat, Chennai - 600 009.
  2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
No.1, Genies Road,  
Panagal Maligai,  
Saidapet, Chennai - 600 015.
  3. The District Forest Officer,  
Villupuram Forest Division,  
Villupuram, Villupuram District.
- ... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to pass orders on the proposal submitted for the concurrence of regularization of the petitioner dated 02.12.2016 by considering the representation of the petitioner dated 30.05.2019 and 05.08.2019 respectively, consequently direct the respondents 2 and 3 to promote the petitioner as Assistant on par with others.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Elumalai  
Government Advocate

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Junior Assistant under compassionate appointment on 17.09.2013 by the second respondent at District Forest Office, Kallakurichi on 02.12.2013. The appointment to the said post is in the purview of Tamil Nadu Public Service Commission and therefore, the concurrence for the regularization is necessary as per G.O.Ms.No.80 dated 02.03.2016 issued by the Labour Employment Department. The petitioner's service has been regularized by the 3<sup>rd</sup> respondent vide his proceedings dated 21.12.2016 in Se.Mu.Order No.3715/2013/Pal as per Government order in G.O.Ms.No.80 dated 02.03.2016. A proposal for concurrence has been sent to the 2<sup>nd</sup> respondent by the 3<sup>rd</sup> respondent on 21.12.2016. Thereafter, the petitioner also sent his representation to the 2<sup>nd</sup> respondent for getting concurrence of his regularization on 30.05.2019 and the same was forwarded to the 1<sup>st</sup> respondent for issuance of order of concurrence of the petitioner's regularization. Since no orders have been passed by the 1<sup>st</sup> respondent, the petitioner sent another representation on 05.08.2019 to the 2<sup>nd</sup> respondent and the same was forwarded to the 1<sup>st</sup> respondent for consideration. Since no orders have been passed till date, the petitioner has filed the present writ petition.

3.The learned counsel for the petitioner submitted that it would suffice if a direction to the 1<sup>st</sup> respondent to consider the representations of the petitioner dated 30.05.2019 and 05.08.2019 within a reasonable time.

4.Thus, in view of the limited prayer as sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the 1<sup>st</sup> respondent to consider the representations of the petitioner dated 30.05.2019 and 05.08.2019 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

5.With the above direction, this writ petition stands disposed of. No cost. Consequently, connected miscellaneous petition is also closed.

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Sd/-  
Assistant Registrar(J)  
//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
Environment and Forest Department,  
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
No.1, Genies Road, Panagal Maligai,  
Saidapet, Chennai - 600 015.
3. The District Forest Officer,  
Villupuram Forest Division,  
Villupuram, Villupuram District.

+lcc to Mr.M.R.Jothimanian, Advocate, S.R.No.78569

+lcc to the Special Government Pleader(F), S.R.No.78627

W.P.No.27140 of 2019

CS/09/10/2019



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