

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 28094 of 2019

C.Gunasakeran

... Petitioner

Versus

The Principal Chief Conservator of Forest
and Head of the Forest Department
Pangal Maligai
Saidapet, Chennai - 600 015.

.... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider the claim of the petitioner for his notional promotion as Forest Guard for the year 2003-2004 and consequential empanelment for promotion as Forester with effect from 15.08.2011 in view of the dropping TDP Case No.10/2011 dated 15.11.2017 by the 1st respondent and to grant consequential service and monetary benefits and to grant such other further relief as this Hon'ble Court may deem fit and proper under the circumstances arising out of this case.

For Petitioner : Ms.T.Dharani

For Respondents : Mr. M.Elumalai
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner entered into service as Forest Watcher from 03.02.1995 and he was eligible for promotion for the post of forest guard during the year 2003 to 2004 based on the seniority in the post of Forest Watcher. However, he was not promoted as Forest Guard due to the pendency of the TDP case. However, he was promoted as Forest Guard with effect from 29.09.2010. The petitioner and other 33 other plot watchers filed W.P.No.417 of 2012 seeking to consider them to get regular time scale of pay on par with their junior notionally in the category of Forest Watcher taking into account their seniority with all consequential benefits. This Court by an order dated 04.06.2012, this Court allowed the writ petition and directed to pass orders

granting consequential benefits to the petitioners within a period of twelve weeks from the date of receipt of copy of this order. Though the Government by letter dated 23.10.2013 issued direction to the respondent to implement the above said order and the petitioner is also eligible to be empaneled in the panel for the year 2003-2004 for promotion as Forest Guard, his name was not included in the panel dated 31.05.2004. Even thereafter, the petitioner name was not included due to pendency of TDP case No.10 of 2011 before the Tribunal for Disciplinary Proceedings, Coimbatore and the case was closed on 15.11.2017 dropping the charges framed as against the petitioner. Immediately thereafter, the petitioner made representations on 19.02.2018 and 17.06.2018 seeking to include his name in the panel for 2003 - 2004 for promotion as Forest Guard and to promote him notionally as Forest Guard on par with his immediate junior. Since, the same has not been considered, the petitioner has filed the present petition with the aforesaid prayer.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that though the TDP case was closed by an order dated 15.11.2017 dropping the charges framed by the TDP, Coimbatore in Case No.10 of 2011 dated, 25.07.2011, till date the petitioner's name was not considered for the post of Forest Guard and for consequential service and monetary benefits. He further submitted that without going into the merits of the case, it would suffice, if a direction is issued to the respondent to consider the petitioner's representations dated 19.02.2018 and 17.06.2018 and pass orders within the stipulated time as fixed by this Court.

5. The learned Government Advocate conceded to the request made by the learned counsel for the petitioner.

6. Thus, without going into the merits of the case, this Court is inclined to issue direction to the respondent to consider the representation of the petitioner dated 19.02.2018 and 17.06.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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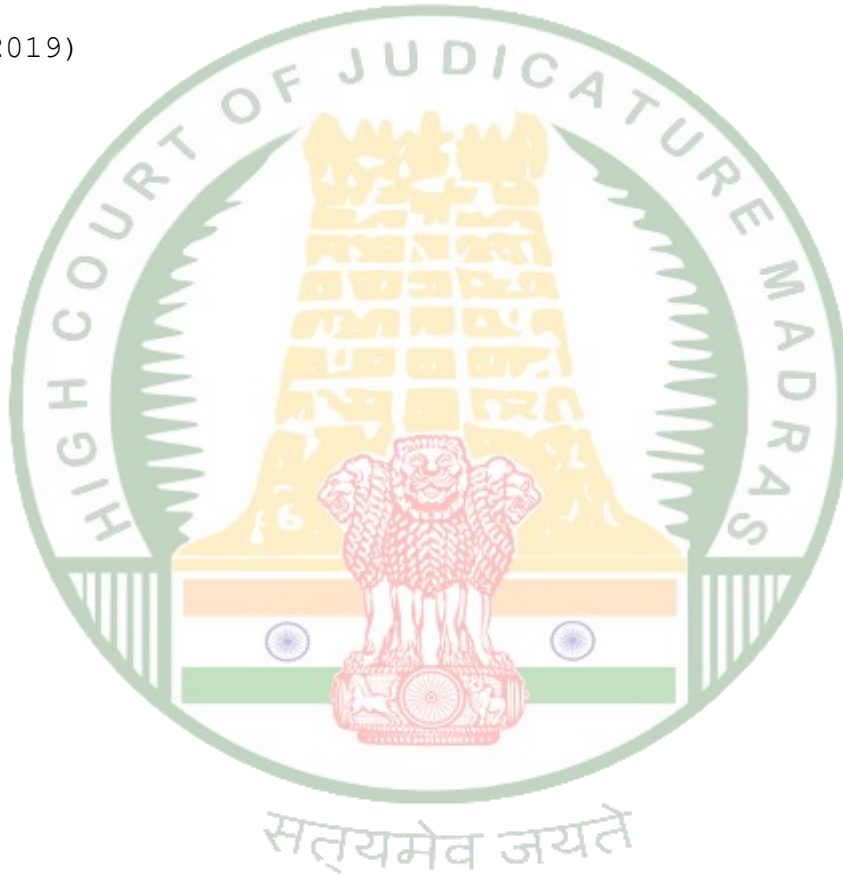
To

The Principal Chief Conservator of Forest
and Head of the Forest Department
Pangal Maligai
Saidapet, Chennai - 600 015.

+1cc to Mr.T.Dharani, Advocate, S.R.No. 82396
+1cc to the Special Government Pleader, S.R.No. 82016

W.P.No.28094 of 2019

SPD(CO)
GN(08/11/2019)



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