

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30735 of 2019

M. Sundaresan,
S/o. Muthukumarasamy,
Forest Guard,
Kadayam Range,
Ambasamudram Division,
Tirunelveli Circle.

..Petitioner

vs

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

2. The Principal Chief Conservator of Forest,
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or order or direction or any other appropriate order in the nature of Writ of Mandamus, directing the respondents to consider the notional promotion to the petitioner as Forest Guard on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the order passed in W.P.No.15726 of 2015 dated 27.04.2016 and in the light of the proceedings of the 2nd respondent dated 10.10.2014 considering the representation dated 3.07.2017 and 30.09.2019 of the petitioner within the time limit to be stipulated.

For Petitioner : Mr. S. Mani

For Respondents: Mr. M.Elumalai, Government Advocate

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal today at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking direction to the respondents to consider the notional promotion to the petitioner as Forest Guard on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the order passed in W.P.No.15726 of 2015 dated 27.04.2016 and in the light of the proceedings of the 2nd respondent dated 10.10.2014 considering the representation dated 3.07.2017 and 30.09.2019 of the petitioner within the time limit to be stipulated.

3. The case of the petitioner is that the petitioner joined as Plot Watchers on daily wage basis in the year 1982. Then statewise seniority list drawn in which the name of the petitioner was included. Subsequently, the services of the juniors of the petitioner were regularized in the cadre post of Forest Watcher in the year 1995. The petitioner's juniors were given further promotion to the post of Forest Guard in the year 2004. The service of the petitioner was regularized in the cadre post of Forest Watcher in the year 2005 and further promoted as Forest Guard in the year 2012. The petitioner filed Writ Petition in W.P.No.31414 of 2013 before this Court for Mandamus to regularize their service in the cadre post of forest watcher on par with their juniors and the same was allowed on 21.11.2013. In the similar circumstances, the similarly placed persons like the petitioner have filed writ petition in W.P.No.15726 of 2015 and the same was allowed by this Court. Thereafter he made representations on 3.7.2017 and 30.09.2019 before the respondents to promote him as Forest Guard on par with his juniors who have already been given promotion, but till date his representation was not considered. Hence the present Writ Petition.

4. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the second respondent to dispose of the representation dated 30.09.2019 on merits and in accordance with law.

5. Mr. M. Elumalai, Government Advocate, learned counsel for the respondents agreed to dispose of the representation dated 30.09.2019 within a reasonable time.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the second respondent to dispose of the representation dated on 30.09.2019 on merits and in accordance with law and in the light of the order passed by this Court in W.P.No.15726 of 2015 dated 27.04.2016 within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (J)

True Copy

Sub-Assistant Registrar

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To

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

2. The Principal Chief Conservator of Forest,
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.

+1 CC to Govt. Pleader sr 90046.

+1 CC to Mr.S.Mani, Advocate sr 89855.

सत्यमेव जयते

W.P.No.30735 of 2019

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SP(03/12/2019)