

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31192 of 2019

and

W.M.P.No.31330 of 2019

- 1.M.Sathiyakeerthi  
S/o.Manivel,  
Forest Guard,  
Periyanaikkan Palayam Range,  
Coimbatore Division.
- 2.R.Murugaiyan,  
Forest Guard,  
Periyanaickam Palayam Range,  
Coimbatore Division and Circle.
- 3.M.Balakrishnan,  
S/o.Muthusamy,  
Forest Guard,  
Coimbatore Range and Division and Circle.
- 4.K.Thangarasu,  
S/o.Kattaiyan,  
Forest Guard,  
Sirumugai Range,  
Coimbatore.
- 5.P.Siddhardhan,  
S/o.Parama Designa,  
Forest Guard,  
Coimbatore Range and Division and Circle.
- 6.G.Ellappan,  
S/o.Gandipan,  
Forest Guard,  
Madukkarai Range,  
Coimbatore Division.

7. Palanisamy,  
S/o. Mariappan,  
Forest Guard,  
Mettupalayam Range,  
Coimbatore Division and Circle.
8. P. Pandiyaraj,  
S/o. Palaniappan,  
Forest Guard,  
Coimbatore Division and Circle.
9. R. Ramalingam,  
S/o. Rajangam,  
Forest Guard,  
Coimbatore Division and Circle.
10. P. Nagarajan,  
Forest Guard,  
Karumadai Range,  
Coimbatore Division and Circle.
11. P. Gunasekaran,  
S/o. Pandurangan,  
Forest Guard,  
Ulundurpettai Range,  
Villupuram Division.
12. A. John Joseph,  
S/o. Antonysamy,  
Forest Guard,  
Trichy Range and Division.
13. Thenammai,  
D/o. Adaikappan,  
Forest Guard, Trichy Range and Division.
14. P. Subramaniyan,  
S/o. Periyasamy,  
Forest Guard,  
Periyanaickanpalayam Range,  
Coimbatore Division.
15. R. Selvam,  
S/o. Ramasamy,  
Forest Guard,  
Pudukottai Range and Division,  
Trichy Circle.

16.N.Ganapathy Selvam,  
S/o.Narayanasamy,  
Forest Guard,  
Tanjore Range and Division and Circle.

..Petitioners

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 petitioners as Forest Guard on par with their juniors with effect from 17.06.2004 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 second respondent dated 10.10.2014, considering the representation dated 03.07.2018 of the petitioners with 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 petitioners filed this Writ Petition seeking direction to the respondents to consider the notional promotion to the petitioners as Forest Guard on par with their juniors with effect from 17.06.2004 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 second respondent dated 10.10.2014, considering the representation dated 03.07.2018 of the petitioners with the time limit to be stipulated.

3. The case of the petitioners is that they were appointed as Plot Watchers on daily wage basis between the years 1979 to

1985. Then statewide seniority list drawn in which the name of the petitioners were included. Subsequently, the services of the juniors of the petitioners 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 petitioners were regularized in the cadre post of Forest Watcher in the year 2005 and further promoted as Forest Guard in the year 2012. The petitioners filed a several Writ Petitions 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 04.06.2012. In the similar circumstances, the similarly placed persons like the petitioners have filed writ petition in W.P.No.15726 of 2015 and the same was allowed by this Court. Thereafter they made representations on 3.7.2018 before the respondents to promote him as Forest Guard on par with his juniors who have already been given promotion, but till date their representation was not considered. Hence the present Writ Petition.

4. The learned counsel for the petitioners would submit that it would be suffice to issue direction to the respondents to dispose of the representation dated 03.07.2018 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 03.07.2018 within a reasonable time.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the respondents to dispose of the representation dated on 03.07.2018 on merits and in accordance with law 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.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,  
The 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.

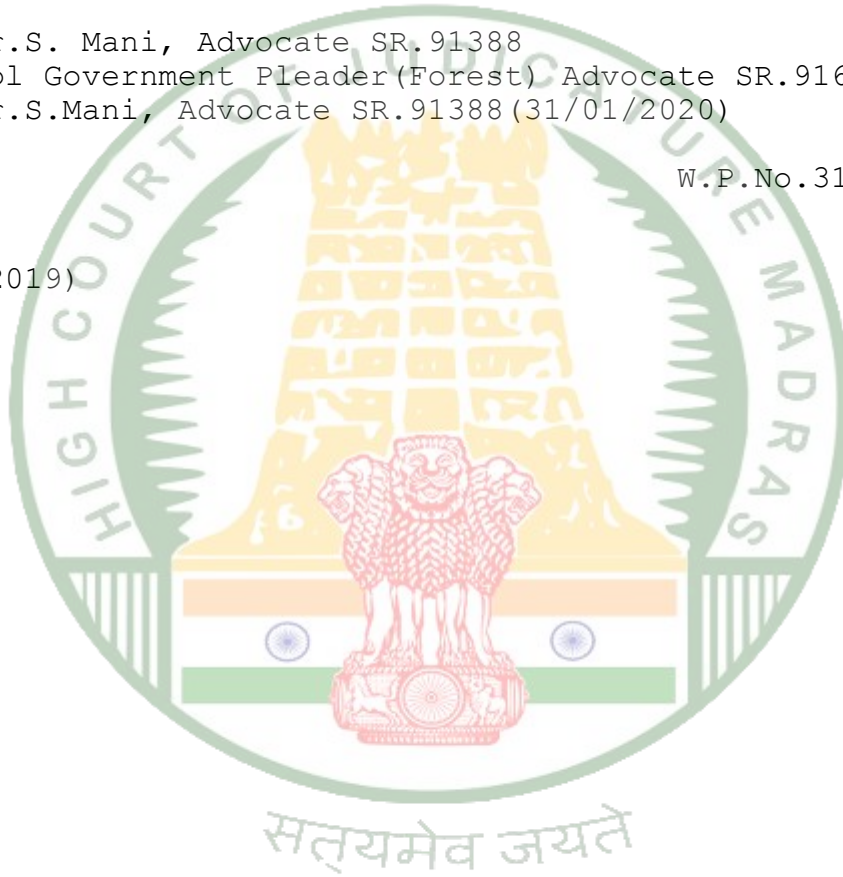
+1cc to Mr.S. Mani, Advocate SR.91388

+1cc to Spl Government Pleader (Forest) Advocate SR.91682

+5cc to Mr.S.Mani, Advocate SR.91388 (31/01/2020)

W.P.No.31192 of 2019

RSI (CO)  
CB(13/12/2019)



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