

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.35281 of 2019

S.Mahalingam

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. 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 petitions 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 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 WP 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 12.09.2019 of the petitioner with the time limit to be stipulated by this Court.

For Petitioner : Mr.T.Sellapandian for
S.Mani
For Respondents : Mr.K.Elumalai
Government Advocate

O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents to grant promotion to the petitioner as a Forest Guard on par with his juniors.

2. It is the case of the petitioner that he joined as a Plot watcher on a daily wage basis in the Forest Department in the year 1982. Thereafter, the state-wide seniority list was drawn and the name of the petitioner was also included in the year 1994. It is the grievance of the petitioner that the service of the juniors were regularized in the cadre post of Forest Watcher in the year 1995 and they were also given further promotion as Forest Guard in the year 2004. Whereas in the case of the petitioner, his service was regularised in the cadre of Forest Watcher only in the year 2004. The petitioner

had earlier approached this Court seeking for regularization of his service in the cadre post of Forest Watcher on par with his juniors and order was also passed by this Court. Thereafter, the 1st respondent had also complied with the said order by regularizing the service of the petitioner in the cadre of Forest Watcher.

3. The petitioner is now seeking for further promotion as Forest Guard on par with his juniors and he wants his name to be included in the panel for the year 2003 -2004 and consequently, to give him promotion. The petitioner has made a representation to the respondent on 12.09.2019 in this regard. Since the same has not been considered, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for by the petitioner, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 12.09.2019 and prepare a proposal strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order and submit the same to the 1st respondent and the 1st respondent shall pass appropriate orders within a period of six weeks, thereafter. The petitioner is also directed to give a fresh representation to the 2nd respondent along with copy of the earlier representation dated 12.09.2019 and all the other necessary materials, along with copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu,
Rep. 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
- +1cc to Mr.S.Mani, Advocate SR.No. 105982
+1 cc to Spl Government Pleader Sr.No. 106577

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