

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.Nos.15362 & 15363 of 2012
and
M.P.Nos.2 & 2 of 2012

K.Sudhagar ... Petitioner in W.P.No.15362 of 2012

A.Anbu ... Petitioner in W.P.No.15363 of 2012

Vs.

1.The State of Tamilnadu
Rep.by
The Principal Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai - 9.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 15.

... Respondents in both petitions

Common Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus directing to call for the records on the file of the 1st respondent in connection with the order passed by him in his Letter No.16984/FR.1/2009-25, dated 28.10.11 and quash the same and direct the respondents to give seniority to the petitioners in the post of Assistant Conservator of Forests with effect from the date of appointment of the last candidate, namely, B.Selvamani to the post of Assistant Conservator of Forests on the basis of his inclusion in the panel for the year 2008-2009, i.e., 30.09.2009 with all monetary and service benefits.

For Petitioner : Mr.S.Mani

For Respondent : Mr.M.Elumalai
Government Advocate

C O M M O N O R D E R

The petitioners were appointed as Rangers by Direct Recruitment and joined service on 26.04.1997. The Government in its Letter No.23018/FR-1/07-6, E & F dated 31.03.2008 have approved 50 posts of Assistant Conservator of Forests in the Tamil Nadu Forest Service by Recruitment by Transfer for the year 2008-09.

2. Accordingly, the 2nd respondent has called for preparation of panel of Forest Ranger who were fit for appointment to the said posts, by letter dated 23.10.2008. By letter dated 24.12.2008, 68 names of the Forest Ranger was called. The petitioners were ranked in Serial Nos.29 & 30 in the second list. However, by Order dated 30.09.2009, the Government has approved 43 forests Rangers to the post of Assistant Conservator of Forests. Later three persons who were not qualified for the crucial date was also included by letter dated 14.10.2009. Even though the petitioners are eligible to be included in the panel was not considered. Aggrieved over the same, the petitioners are before this Court.

3. According to the petitioners, none of the others in the panel are qualified to be appointed as Assistant Conservators of Forests. Therefore, the petitioners should have been considered. When the specific question is put to the learned Additional Government Pleader appearing for the respondents, they sought time for clarifying the position.

4. Mr.Sivarajan, is present and requested time for the past three hearings, but he is unable to place the relevant files.

5. Even after hearing, the respondents are not in a position to place the papers before this Court to consider the inclusion of the petitioners' name. In any event, if none of the seniors are qualified for promotion on the crucial date, the respondents are directed to consider the writ petitioners for promotion for the year 2008-09 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

These writ petitions are ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bri

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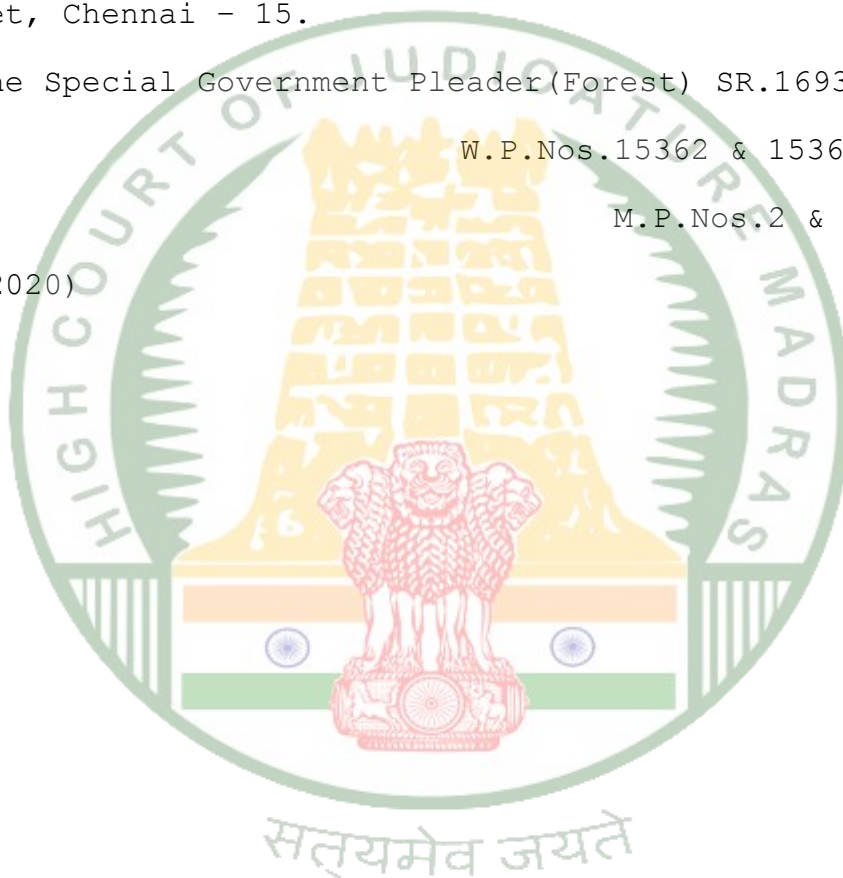
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+1cc to the Special Government Pleader(Forest) SR.16937,16938

W.P.Nos.15362 & 15363 of 2012
and
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MR(CO)
CB(30/09/2020)



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