

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19475 of 2013

R.Thannappan

.. Petitioner

.. Vs ..

The Government of Tamil Nadu,
Represented by its
Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009. ... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to issue appropriate orders to the effect that the petitioner is deemed to have been promoted with retrospective effect from the date of promotion of his immediate junior in the approved panel of Assistant Conservator of Forest for the year 2008-2009, as issued in G.O.Ms.No.131, Environment and Forest Department dated 30.09.2009 for all purposes and to grant him all consequential service and monetary benefits, including posting/promotion to the higher cadre of Deputy Conservator of Forest.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.S.Prabhu
Additional Government Pleader

ORDER

The petitioner has filed the present writ petition praying for the issuance of a Writ of Mandamus, directing the respondent herein to issue appropriate orders to the effect that the petitioner is deemed to have been promoted with retrospective effect from the date of promotion of his immediate junior in the approved panel of Assistant Conservator of Forest for the year 2008-2009, as issued in G.O.Ms.No.131, Environment and Forest Department dated 30.09.2009 for all purposes and to grant him all consequential service and monetary benefits, including posting/promotion to the higher cadre of Deputy Conservator of Forest.

2. The case of the petitioner is that he was selected as Forest Range Officer in the year 1982 and after completing the training period in the year 1982-1983, he served in the said post for 30 years. While he was in service in the post of Assistant Conservator of Forest in the year 2007, he suffered a punishment of stoppage of increment for a period of one year without cumulative effect and the said punishment was set aside by this Court in W.P.No.40998 of 2006 on 08.06.2010. Immediately after the quashment of the punishment, the petitioner made representations on various dates i.e., on 07.03.2012, 13.05.2013 and 26.06.2013 for extending the benefit on par with his immediate juniors in the approved panel of promotion to the post of Assistant Conservator of Forest, for the year 2008-2009 as issued in G.O.Ms.No.131, Environment and Forest Department, dated 30.09.2009 and to grant him all consequential service and monetary benefits, including promotion to the higher cadre of Deputy Conservator of Forests. Since the said representations have not been considered so far, the present writ petition has been filed by the petitioner with the aforesaid prayer.

3. Mr.M.Ravi, learned counsel for the petitioner submits that though the petitioner suffered a punishment in the year 2007, the panel was prepared in the year 2008-2009. However, because of the punishment, the petitioner was not given the benefit on par with his immediate junior and the said punishment was subsequently set aside by this Court in W.P.No.40998 of 2006 on 08.06.2010. Hence, the petitioner is entitled to get all monetary benefits on par with his immediate junior and hence, this Court may issue appropriate direction to the respondent to extend the benefit.

4. The respondent filed a counter affidavit. On perusal of the counter affidavit, particularly in paragraph Nos.9 and 10, it is revealed that juniors of the petitioner were not granted promotion as they have not satisfied Rule 2 (b) of the Tamil Nadu Forest Service Rules and not qualified for the post of Deputy Conservator of Forests. In view of the above, the second limb of the prayer with regard to promotion to the post of Deputy Conservator of Forest cannot be considered in this writ petition. However, if the petitioner is entitled for monetary benefits on par with his juniors, the respondent herein may be directed to settle the monetary benefit, if otherwise eligible, within a specified time frame.

5. In view of the fair stand taken by the respondent in their counter and the learned counsel for the petitioner also having no quarrel with the said position, this Court, without going into the merits of the issue, directs the respondent to consider the entitlement of the petitioner for monetary benefits

on par with his juniors, if otherwise eligible, and to settle the same, if any, within a period of three months from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jr1

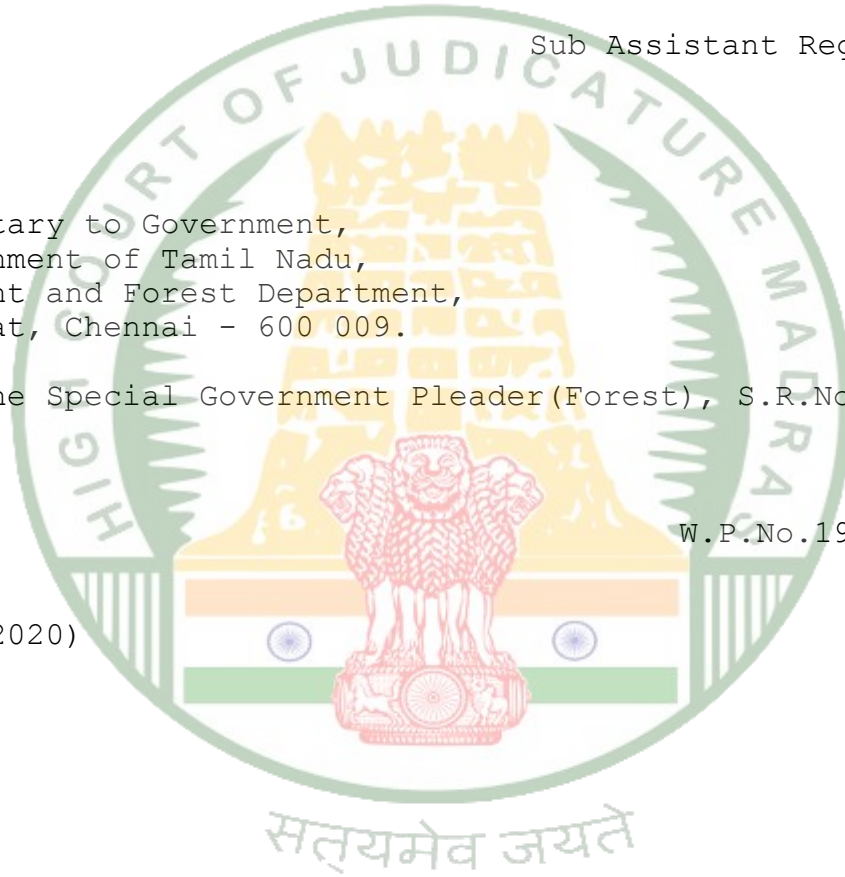
To

The Secretary to Government,
The Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

+1cc to the Special Government Pleader(Forest), S.R.No. 29527

W.P.No.19475 of 2013

VG I(CO)
GN(15/10/2020)



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