

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.07.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27769 of 2013

A.Selvam

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Forest Officer,
Thiruvannamalai North Division
Thiruvannamalai.

3.Mr.S.Sivaprakasam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to include the name of the petitioner in the panel dated 27.05.2011 drawn by the respondents 1 and 2 for promotion to the post of Forester for the year 2011-2012 in the appropriate place befitting to his seniority and consequently direct the respondents 1 and 2 promote the petitioner to the post of Forester with effect from 18.04.2013 notionally on par with the third respondent with all consequential monetary benefits on the basis of the petitioner's representation dated 05.05.2013 within a time to be fixed by this Honourable Court.

For Petitioner : Mr.Sellapandian

for Mr.S.Mani

For Respondents : Mr.S.Prabhu

Additional Government Pleader

W E B C O P Y
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to include the name of the petitioner in the panel drawn by the respondents 1 and 2 for promotion to the post of Forester in the appropriate place befitting to his seniority and to consequently direct the respondents 1 and 2 to promote the petitioner to the post of Forester with effect from 18.04.2013 notionally on par with the third respondent with all consequential monetary benefits on the basis of the petitioner's representation dated 05.05.2013.

2.The case of the petitioner is that the petitioner was appointed as Plot Watcher on 01.01.1979 on daily wage basis in the Forest Department. The petitioner's services were regularized on 31.01.1995 in the cadre of Forest Watcher based on the seniority maintained by the Department in the cadre of Plot Watcher. On 09.07.2002, the petitioner was promoted to the post of Forest Guard and he retired from service 30.06.2013 on reaching the age of superannuation.

3.The grievance of the petitioner is that the third respondent who is junior to the petitioner was given promotion as Forester during April, 2013, whereas, the petitioner was not promoted to the Forester till he retired from service. In this regard, the petitioner made representation to the respondents, however, the same was not considered by the respondents. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the second respondent had drawn a panel for promotion to the post of Forester on 27.05.2011, in which, the petitioner's name was included in Serial No.1 and the third respondent's name was included in Serial No.4, however, the said panel was not given effect due to administrative reasons. He would further submit that the petitioner's name was not included in the panel prepared by the first respondent dated 18.04.2013. Hence, it is necessary, that this Court has to give direction to the respondents 1 and 2 to include the petitioner's name in the panel for promotion to the post of Forester, so as to enable the petitioner to get the monetary benefits.

5.It is un-disputed fact that the petitioner is senior to the third respondent. The petitioner was appointed as Plot Watcher on 01.01.1979 on daily wage basis in the Forest Department and his services were regularized on 31.01.1995 in the cadre of Forest Watcher based on the seniority maintained by the Department in the cadre of Plot Watcher. On 09.07.2002, the petitioner was promoted to the post of Forest Guard and he retired from service 30.06.2013 on reaching the age of superannuation.

6.It is also un-disputed fact that the third respondent is junior to the petitioner. However, the petitioner's name was not included in the panel for promotion to the post of Forester prepared by the first respondent dated 18.04.2013. The petitioner without challenging the panel prepared by the first respondent, has filed this writ petition. Hence, this Court is not inclined to grant the relief sought for by the petitioner in this writ petition. However liberty granted to the petitioner to work out the remedy in the manner known to law.

7.This writ petition is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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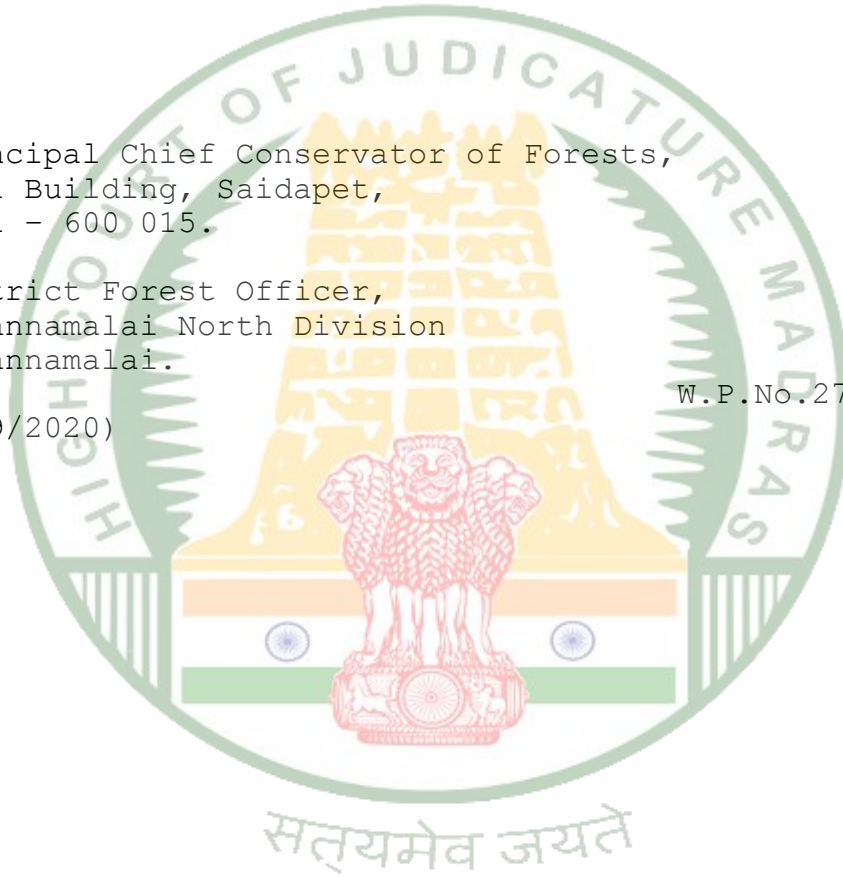
To

1.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Forest Officer,
Thiruvannamalai North Division
Thiruvannamalai.

W.P.No.27769 of 2013

A.SK(24/09/2020)



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