

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 25973 of 2011

S.G.Chinnathambi

...Petitioner

-vs-

1. The Secretary to Government,
Forest and Environment Department,
Fort St.George,
Chennai - 9.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Chennai - 15.
3. The Additional Principal Chief Conservator
of Forests,
(Forest Administration),
Office of the Principal Chief Conservator of Forests,
Panagal Building, Chennai - 15. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to notionally include the name of the petitioner in the panel of Superintendent for the year 2005 in the appropriate place and promote him as a Superintendent.

For Petitioner : Mr.M.Alagu
for Mr.Goutham
For Respondents : Mr.S.Prabhu
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to notionally include the name of the petitioner in the panel of Superintendent for the year 2005 in the appropriate place and promote him as a Superintendent.

2. The petitioner joined in service as Assistant in October 1987, thereafter, he was conferred with the Selection Grade in the post of Assistant in the year 1997.

3. The next promotional avenue for the petitioner is Superintendent post, for which, according to the petitioner, he is eligible in the year 2005. On 28.01.2005, a draft list of probable candidates have been prepared, where the name of the petitioner was found at Serial No.21 and in the year 2006, similar list was prepared, where, the petitioner's name was found at Serial No.17.

4. However, both the lists were not acted upon and in the meanwhile, he had given a representation on 27.04.2007, as superannuation was fastly approaching, to consider his candidature for the promotion to the post of Superintendent and in this regard, on 08.05.2007, he got an order from this Court in W.P. No. 16941 of 2007, where, the learned Judge of this Court has given a direction to consider the representations of the petitioner dated 15.01.2007 and 27.04.2007. Though promotion has been effected to various persons including the seniors as well as juniors of the petitioner, but such promotion was not given to the petitioner and on 31.05.2007, the petitioner retired from service on superannuation.

5. So, in this regard, the grievance of the petitioner is that, even from 2005 onwards, the petitioner was eligible to consider for promotion to the post of Superintendent and his name was found in both lists, i.e., 2005 and 2006, had it been acted upon, certainly, the petitioner would have been given promotion to the post of Superintendent before his superannuation and the same has been denied because of the belated act on the part of the respondents to move the list and they have given the actual promotion only on 27.07.2007. Therefore, in order to get the said promotion to the post of Superintendent, of course, notionally, the petitioner had given a detailed representation on 24.08.2011 and the said representation was also not considered by the respondents. Therefore, he approached this Court by filing the present Writ Petition with the aforesaid prayer.

6. Mr.M.Alagu, learned counsel appearing for the petitioner having reiterating the aforesaid factual aspects would submit that, a direction can be issued to the respondents to consider the representation of the petitioner dated 24.08.2011, on merits within a time frame and in that case, he would be satisfied.

7. Heard Mr.S.Prabhu, learned Additional Government Pleader appearing for the respondents who would submit that, it is an admitted case on the part of the petitioner that, on 31.05.2007, he retired from service on superannuation, till such time, no promotion has been given to the post of Superintendent, even though in the draft list for the year 2005 and 2006, the name of the petitioner was found place, however, no juniors of the

petitioner was given promotion before the petitioner attained superannuation. The petitioner may have a grievance on them till his superannuation, if any such promotion was given to anyone. Therefore, he may not have grievance after his retirement, hence, his request is liable to be rejected, he contended.

8. However, subsequently, the present representation dated 24.08.2011 was also filed by the petitioner and the same also since has not been considered, he seeks for a mandamus to issue a direction to consider the representation on merits.

9. I have found some force in the contention of the petitioner, because, the petitioner's representation admittedly has not so far been considered and disposed by the respondents, therefore, this Court is inclined to dispose of the Writ Petition with the following orders:

"(i) That the respondents, especially the first respondent is hereby directed to consider the representation of the petitioner dated 24.08.2011 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of the receipt of a copy of this order.

(ii) The petitioner is hereby directed to send a copy of the said representation dated 24.08.2011 along with the copy of this order within two weeks from the date of receipt of a copy of this order and on receipt of the same, the needful as indicated above shall be undertaken by the first respondent within a time stipulated herein.

(iii) The copy of the order shall be given to the first respondent as well as second respondent enabling the second respondent to forward the same to the first respondent with his comments."

10. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Vji

To

1. The Secretary to Government,
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Office of the Principal Chief Conservator of Forests,
Panagal Building, Chennai - 15.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.15455
+1cc to the Government Pleader(Forest), S.R.No.15717

W.P. No. 25973 of 2011

PL(CO)
KKV/01/06/2021



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