IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2021
CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.5153 OF 2021
AND
WMP NO.5719 OF 2021

1. S.Govindasamy
2. K.Sargunam
3. S.Prabha
4. K.Murugan
5. I.Narasimman
6. P.Dhanapal
7. V.Santha
8. V.Periasamy
9. G.Pakkiathai
10. V.Doss
11. K.Jayavelu ... Petitioners

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 Forests,
   Panagal Building,
   Saidapet, Chennai 600 015. ... Respondents

Writ Petition 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 petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of order passed in W.P.No.35281 of 2019, dated 20.12.2019 and in the light of proceedings of 2nd Respondent dated 10.10.2014 by considering the representation made by the petitioners, dated 19.10.2019 within the time limit to be stipulated by this Court.

For Petitioners : Mr.S.Mani
For Respondents : Mr.M.Elumalai,
Additional Government Pleader

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O R D E R

Petitioners have come up with this Writ Petition seeking a direction to the Respondents to consider the notional promotion to the petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of order passed in W.P.No.35281 of 2019, dated 20.12.2019 and in the light of proceedings of 2nd Respondent, dated 10.10.2014 by considering the representation made by the petitioners, dated 19.10.2019.

2. According to the Petitioners, their services were regularized in the cadre of Forest Watcher and their seniority was also re-fixed placing them over and above their juniors and they are entitled to next promotion to the post of Forest Guard on par with their juniors. However, the Respondents failed to confer notional promotion to the post of Forest Guard from 31.05.2004, the date on which their juniors were given notional promotion as Forest Guard including their names in the panel for the year 2003-2004. In respect of their grievance, Petitioners submitted a representation dated 19.10.2019 to the Respondents. As no orders are passed on such representation, Petitioners are before this Court with the above Writ Petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for by the Petitioners, this Court directs the 2nd Respondent herein to consider the representation dated 19.10.2019 made by the Petitioners and prepare a proposal strictly in accordance with law, within a period of six weeks from the date of receipt of a 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. Petitioners are also directed to send a fresh representation to the 2nd Respondent along with a copy of the earlier representation dated 19.10.2019, a copy of this order and all other necessary materials.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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vum
To:

1. The Secretary,
   Government of Tamil Nadu,
   Environment and Forest Department,
   Fort St. George,
   Chennai 600 009.

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

+1cc to Mr.S.Mani, Advocate, S.R.No.13840
+1cc to the Special Government Pleader (F), S.R.No.14131

W.P.No.5153 of 2021 and
WMP No.5719 of 2021

PCH(CO)
CS/08/04/2021

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