



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6100 of 2021

P.Selvaraj

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai-600 015.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner representation dated 29.10.2020 for appoint and promote the petitioners as Forest Watchers with effect from the dated of their juniors promotion in the light of the order passed in W.P.No.15561 of 2006 dated 10/03/2008, W.A.No.690 of 2008 dated 13/10/2009, W.P.No.23374 of 2008 dated 30/10/2009, W.A.No.607 of 2010 dated 20/03/2010 and 1st respondent in his Government Letter No.24184 /FR 2 (II) 2017 - 1 dated 14/06/2018 and G.O.Ms.No.08 Environment and Forest Department dated 21/01/2019 with all consequential benefits.

For Petitioner : M/s.T.Dharani

For Respondents : Mr.M.Elumalai
Addl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents to consider and pass orders on the petitioner's representation dated 29.10.2020 in respect of promotion to the post of Forest Watchers with effect from the date of his junior's promotion in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 20.03.2010 and 1st respondent in his



Government Letter No.24184 /FR 2 (II) 2017 - 1 dated 14/06/2018 and G.O.Ms.No.08 Environment and Forest Department dated 21/01/2019 with all consequential benefits.

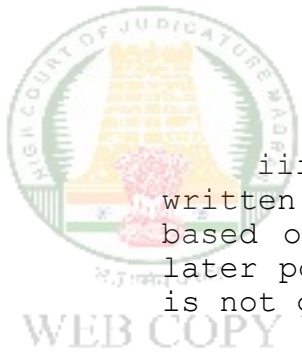
2. Mr.M.Elumalai, learned Additional Government Pleader takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he joined the service as Plot Watcher on 23.02.1982 and he was brought into the regular time scale of pay in the cadre of Forest Watcher on 23.04.2003. Though the Government had imposed a condition of compulsory possession of SSLC certificate for holding the regular post of Forest Watcher, by an order dated 22.12.1994, subsequently, it was revoked by the Government on 08.03.1999, by fixing the eligibility criteria to read and write Tamil. It is the grievance of the petitioner that though petitioner was allotted Sl.No.1267 in the State Wide Seniority List, the said list has not been followed strictly, as a result of which, his junior by name M.Subramanian, who joined on 23.05.1983, was appointed as Forest Watcher. Hence, aggrieved by such wrong appointment, the petitioner made a representation dated 29.10.2020 to the respondents and since the same did not evoke any response, the petitioner is before this Court for a suitable direction.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation dated 29.10.2020 is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation of the petitioner dated 29.10.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order, in the light of judgments and Governments Orders, referred to by the petitioner, if applicable;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;



iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of all the representation and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.

+1cc to the Special Government Pleader(Forest), S.R.No.15716

W.P.No.6100 of 2021

AKII(CO)
BE(15/07/2021)