

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5600 of 2021

G.Ariyan

... Petitioner

-vs-

1. The State of Tamil Nadu,  
Rep., by its Secretary to Government ,  
Environment and Forest Department,  
Fort. St.George,  
Chennai - 9.
2. The Principal Chief Conservator of Forest,  
Panagal Building,  
Saidapet,  
Chennai -15.
3. The District Forest Officer,  
Attur Forest Division,  
Attur.
4. The Principal Accountant General of Tamil Nadu,  
Teynampet,  
Chennai - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to send revised pension proposal to the fourth respondent and also to sanction arrear of pension as per the proceedings in C.No. Pen 1/45000/2018 dated 15.02.2019 of the second respondent by considering his representation with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents: Mr.S.Prabhu

Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the third respondent to send revised pension proposal to the fourth

respondent and also to sanction arrears of pension as per the proceedings in C.No. Pen 1/45000/2018 dated 15.02.2019 of the second respondent by considering his representation with all consequential benefits within time frame.

2. Mr.S.Prabhu, learned Additional Government Pleader takes notice for the respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that the petitioner joined in service as Plot Watcher on 01.03.1980. As per G.O.Ms.No.64, his name was included in the State Wide Seniority list in Serial No.765. The petitioner was promoted as Forest Watchers on 2003. In view of his junior's appointment on 24.01.1995, petitioner filed writ petition to appoint him as Forest Watcher with effect from the date of his junior's promotion. The writ petition was disposed of and in order to implement the orders of the Court, the first respondent issued a Letter No. 21399/FR2-II/2016-2. As such the 2nd respondent by his proceedings in Ref.No.LL1/35449/2014 dated 17.05.2017 has instructed the 3rd respondent to issue pay fixation order in swift action and if the petitioner already retired, the fixation of pay has to be given top priority in order to sent the pension proposal to the A.G, Office. Hence the petitioner sent representation to the third respondent, which is still pending.

4. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 07.03.2019, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner , as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 3rd respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 07.03.2019 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, 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 attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government ,  
State of Tamilnadu  
Environment and Forest Department,  
Fort. St.George,  
Chennai - 9.
2. The Principal Chief Conservator of Forest,  
Panagal Building,  
Saidapet, Chennai - 15.
3. The District Forest Officer,  
Attur Forest Division,  
Attur.
4. The Principal Accountant General of Tamil Nadu,  
Teynampet,  
Chennai - 18.

W.P.No.5600 of 2021

MG(CO)  
KM(28/04/2021)