

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7516 of 2021

S.Dhanasekaran

... Petitioner

-vs-

1.Government of Tamilnadu,
rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai-015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the notional promotion to the petitioner as Forest Guard on par with juniors by including their name in the panel drawn for the year 2003-04 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 10.10.2019 within time limit to be stipulated by this Court.

For Petitioner : Mr.T.Sellapandian

For Respondents: Mr.S.Prabhu,

Additional Government Pleader (F)

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O R D E R

This Writ petition is filed, seeking a direction to the respondents to consider the notional promotion to the petitioner as Forest Guard on par with juniors by including his name in the panel drawn for the year 2003-04 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 his representation dated

10.10.2019 within time limit to be stipulated by this Court.

2.Mr.S.Prabhu, learned Additional Government Pleader (Forest) takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that he joined service as Plot Watcher on daily wage basis in the Forest Department on 01.06.1981 and his service was regularised in the cadre of Forest Watcher on 02.02.2005 and his name is found in Sl.No.1326 in the State Wide Seniority list and. Thereafter, the petitioner and others have filed batch of writ petitions in W.P. No.22762 of 2014 etc. to regularise their services in the cadre of Forest Watcher on par with their juniors with effect from 24.01.1995 and this Court by order dated 22.08.2014 has allowed the writ petitions. By complying the orders passed by this Court, respondents 1 and 2 regularised the service of the petitioner notionally in the cadre of Forest Watcher on par with juniors with effect 24.01.1995. Thereafter, the petitioner submitted a representation seeking promotion as Forest Guard retrospectively on par with his juniors by including his name in the panel for the year 2003-04. As there was no response from the respondents, the petitioner is before this Court seeking the above prayer.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation 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 preferred by the petitioner dated 10.10.2019, 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 120 days from the date of receipt of a copy of this order;

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 the representation dated

10.10.2019 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-III)

//True Copy//

Sub Assistant Registrar

vum

To

- 1.The Secretary,
Government of Tamilnadu,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road,
Saidapet, Chennai-015.

+1cc to Mr.S.Mani, Advocate, S.R.No. 18944

+1cc to the Special Government Pleader(Forest), S.R.No. 18767

AJS(CO)
GN(17/06/2021)

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