



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NOS.4259 & 4260 OF 2015

1. R.Kandasamy
2. N.Balasubramanian

... Petitioners in
W.P.No.4259 of 2015

R.Balasubramanian

... Petitioner in
W.P.No.4260 of 2015

.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 Forest,
Office at Panagal Maaligai,
Saidapet, Chennai - 600 015.

... Respondents in
both W.Ps.

Prayer in W.P.No.4259 of 2015:-

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to include the names of the petitioners in the panel drawn for promotion to the post of Forester for the year 2010-2011, give promotion to the petitioners to the post of Forester with effect from 22.12.2011 on par with their juniors without insisting for completion of Vaigai Dam Training with all consequential service and monetary benefits.

Prayer in W.P.No.4260 of 2015:-

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the panel drawn for promotion to the post of Forester for the year 2010-2011, give promotion to him to the post of Forester on par with his junior without insisting for completion of Vaigai



Dam Training within a specified period, with all consequential service and monetary benefits.

For Petitioners : Mr.S.Mani
in both W.Ps.

For Respondents : Mr.C.Selvaraj
in both W.Ps Government Advocate (Civil)

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COMMON ORDER

Non inclusion of the petitioners in the panel for promotion to the post of Forester is under challenge in these Writ Petitions.

2. The brief facts of the case are that according to Service Rules of the Respondent Department, the Forest Guards shall undergo Vaigai Dam Training for three months to get qualified for promotion. In fortituous circumstance, some of the employees who have undergone the said Vaigai Dam Training got promoted to the post of Forester and others were left out. Therefore, the Forest Guards who were not promoted as Foresters are before this Court.

3. When the matter is taken up for hearing, it is brought to the notice of this Court that in an identical situation, when some of the Forest Guards approached this Court, vide Order in W.P.No.40881 of 2016, this Court, directed the respondents to include them in the panel without insisting three months Vaigai Dam training by its order dated 22.07.2017, against which, Writ Appeal in W.A.No.26784 of 2013 was preferred by the respondent Government before the Division Bench of this Court. However, the Division Bench of this Court, by an order dated 07.07.2021 had dismissed the said Writ Appeal, confirming the order of the learned Single Judge. Therefore, the matter is no longer res integra. The petitioners are entitled to be included in the panel for promotion without insisting three months training at Vaigai Dam. However, in the counter affidavit filed by the respondents it is admitted that on a later period, the petitioners had completed the Vaigai Dam training and become fully qualified for promotion.

4. In view of the above, this Court directs the respondents to include the name of the petitioners in the panel rank for promotion for the post of Foresters for the year 2010 - 2011 and consider their promotion on par with juniors who have already been promoted. The said process shall be completed within a period of three months from the date of receipt of a copy of this order.



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5. With the above direction, the Writ Petitions are disposed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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 Forest,
Office at Panagal Maaligai,
Saidapet,
Chennai - 600 015.

+2ccs to the Special Government Pleader, S.R.Nos.35106 & 35109

W.P.NOS.4259 & 4260 OF 2015

SS(CO)
PBS/19/08/2021