

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.11339 & 11340 of 2021

A.Karuthapandi

... Petitioner in
W.P.No.11339 of 2021

S.Kanagaraj

... Petitioner in
W.P.No.11340 of 2021

Versus

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Forest Department,
Chennai - 9.

2. The Principal Chief Conservator of Forest,
& Head of Department,
Panagal Building,
Saidapet,
Chennai - 15.

... 1 & 2

Respondents in both Petitions.

3. The District Forest Officer,
Pudhukottai Forestry Division,
Pudhukottai.

...3rd Respondent in
W.P.No.11339 of 2021

3. The District Forest Officer,
Theni Forestry Division,
Theni.

...3rd Respondent in
W.P.No.11340 of 2021

PRAYER IN W.P.NO.11339 OF 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representation dated 08.02.2020 in respect of appointing him as Supernumerary Watcher as per the recommendation made by the 3rd Respondent in Na.Ka.No.3352/2017/pa dated 12.12.2019 within time frame.

PRAYER IN W.P.NO.11340 OF 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representation dated 19.01.2021 in respect of appointing him as Forest Watcher on par with his junior Mr.Vazhivittan as per the recommendation made by the 3rd Respondent in Na.Ka.No.pa/1316/2017 dated 30.12.2019 within time frame.

For Petitioner in both Petitions : Ms.K.Jenitha.

For Respondents in both Petitions : Mr.M.Elumalai,
Additional Government Pleader.

COMMON ORDER

Since the issue raised in both the Writ Petitions are common, with the consent of the learned Counsel appearing for both sides, these Writ Petitions are being disposed of by this common order.

2.That both the Petitioners had been working as Plot Watchers under the Third Respondent Forestry Division. With regard to their further promotion, it seems that their candidature had not been considered by the concerned authority i.e., the Second Respondent. Therefore, in this regard, in the year 2017 and 2019, some recommendatory proceedings were issued by the Third Respondent office requesting the Second Respondent to consider the candidature of the Petitioners for giving promotion.

3.Despite the said proceedings having been issued by the Third Respondent, since the Second Respondent had not considered the candidature of the Petitioners for consideration of promotion, these Writ Petitioners have given representations dated 08.02.2020 and 19.01.2021 respectively and the said representations being submitted to the Second Respondent also, since were not considered by the Second Respondent, the Petitioners have filed the Writ Petitions with the aforesaid prayers.

4.Heard Ms.K.Jenitha, Learned Counsel for the Petitioners, who after having reiterated the aforesaid facts, seeks the indulgence of this Court to direct the Second Respondent to consider and pass orders on the representations of the Petitioners.

5.Per contra, Mr.M.Elumalai, Learned Additional Government Pleader appearing for the Respondents, on instructions, would submit that, merely because recommendation letter was issued by

the Third Respondent, that would not enable the Petitioners to seek indulgence of the Second Respondent for considering the candidature of the Petitioners for promotion.

6. In this regard, the seniority and other aspects are to be looked into by the Second Respondent and without verifying all those aspects, the Second Respondent cannot automatically consider the candidature of the Petitioners for giving promotion and whatever grievance expressed by the Petitioners that would be considered on merits by the Second Respondent within a time frame and accordingly, orders will be passed.

7. Considering the said stand taken by the Learned Additional Government Pleader appearing on behalf of the Respondents and the aforesaid factual matrix and taking into account the said submission made by the learned counsel for the parties, this Court is inclined to pass the following orders:

"That there shall be a direction to the Second Respondent to consider the representation of the Petitioners dated 08.02.2020 and 19.01.2021 respectively and decide the same on merits and in accordance with law, with regard to the promotion to the next cadre from plot watcher, not only on the basis of the representations, but also based on the actual records available with the Second Respondent as to the actual work done by both the Petitioners and accordingly, on merits, orders could be passed within a period of twelve weeks from the date of receipt of a copy of this order."

8. With these directions, these Writ Petitions are disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

ay/sgl

To

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Forest Department,
Chennai - 9.

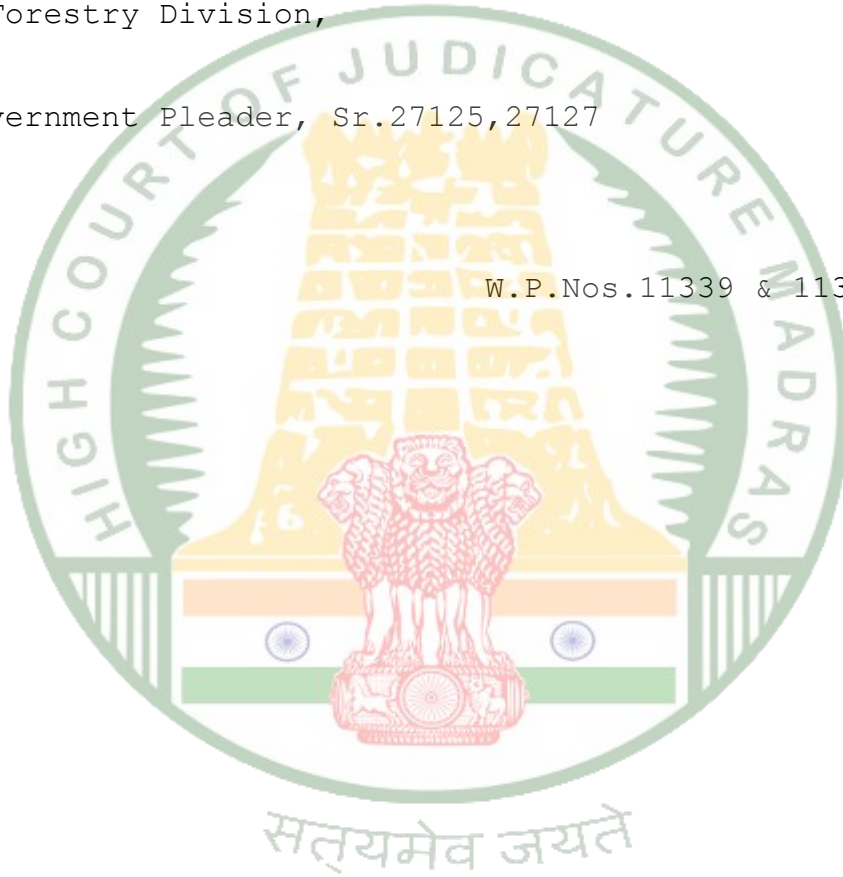
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Pudhukottai Forestry Division,
Pudhukottai.

4. The District Forest Officer,
Theni Forestry Division,
Theni.

+cc to Government Pleader, Sr.27125,27127

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