

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10403 of 2021

N.Mariammal

...Petitioner

Vs

1.Government of Tamilnadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai-600009.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioner husband as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension by taking into account their Seniority and qualification, on par with their juniors Mr.Karuppan, in the light of the orders passed in W.P.No.15561 of 2006 dated 0.03.2008, 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 29.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.S.Mani

For Respondents: Mr.S.Prabhu, AGP

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to the respondents to regularize the service of the petitioner's husband as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension was not considered, the present writ petition has been

filed. According to the petitioner, she has made a representation in this regard on 10.04.2018, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 10.04.2018, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 10.04.2018, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbn
To

1.The Secretary,
Government of Tamilnadu,
Environment and Forest Department,
Fort St.George, Chennai-600009.

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

+1cc to M/s.S.Mani, Advocate Sr.25217
+1cc to the Special Government Pleader Sr.25449

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vsn II[co]
srg 05/07/2021



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