

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.10331 OF 2021

1.K.Kumarasamy
2.B.Devarajulu
3.C.Nagappan
4.S.Velankanni
5.D.Mani
6.L.Paneerselvam
7.S.Sankar
8.G.Durairaj
9.R.S.Balasubramanian

...Petitioners

Vs

1. The Government of Tamilnadu,
Rep., by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai-600009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai-15.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the notional promotion to the petitioners as Forest Guard on par with juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the order passed in W.P.No.2141/2019 and W.P.No.35281 of 2019 dated 28.01.2019 and 20.12.2019 respectively and in the light of proceedings of the second respondent dated 10.10.2014 by considering the representation made by the petitioners dated 23.12.2019 within the time limit to be stipulated by this Court.

For Petitioners : Mr.S.Mani

For Respondents : Mr.S.Prabhu, SGP

O R D E R

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

2. Since the petitioners' request to the respondents to consider notional promotion to the petitioners as Forest Guards on par with their juniors by including their name in the panel drawn for the year 2003-2004 was not considered, the present writ petition has been filed. According to the petitioners, they have made a representation in this regard on 23.12.2019, 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 second respondent herein to consider the petitioners' representation dated 23.12.2019, 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 petitioners 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 second respondent to consider the petitioners' representation dated 23.12.2019, 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbn

To

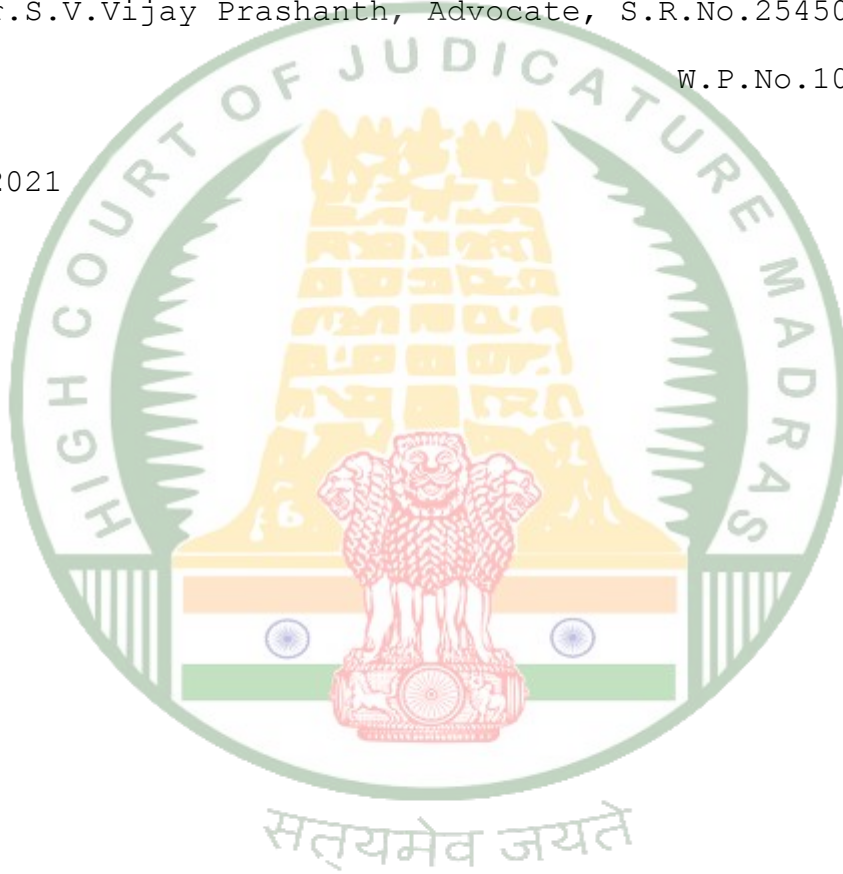
1. The Secretary,
The Government of Tamilnadu,
Environment and Forest Department,
Fort St.George, Chennai-600009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai-15.

+9ccs to Mr.S.Mani, Advocate, S.R.No.25218

+1cc to Mr.S.V.Vijay Prashanth, Advocate, S.R.No.25450

W.P.No.10331 of 2021

SSN(CO)
CS/01/07/2021



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