



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.15432 OF 2019

AND

W.M.P.NO.15379 OF 2019

1.G.Panneerchelvan

2.L.Siyamsundar

...Petitioners

Vs

1. The Government of Tamil Nadu,
Rep.by its Principal Secretary to
Government,
Environment and Forest Department,
Secretariat, Chennai-600 009.

2. The Principal Chief Conservator
of Forests,
Head of Forest Force,
No.1, Genius Road,
Saidapet, Chennai-600 015.

...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 representations of the petitioners dated 21.12.2017 and 12.04.2019 respectively for fixing their seniority from the date of their selection dated 19.11.1999 and 06.12.1999 respectively as per law laid down by the Hon'ble Supreme Court of India in (1994) 6 SCC 301 and (1996) 8 SCC 637.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.K.Tippu Sulthan,
Government Advocate

ORDER

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



2. Since the petitioners' seniority from the date of their selection, i.e., 19.11.1999 and 06.12.1999 respectively, was not considered, the present writ petition has been filed. According to the petitioners, they have made representations in this regard on 21.12.2017 and 12.04.2019 respectively to the respondents, which are still pending.

3. It is needless to point out that whenever representations of this nature are 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 representations 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 both the petitioners' representations dated 21.12.2017 and 12.04.2019 respectively 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 21.12.2017 and 12.04.2019 on its own merits and pass appropriate orders in accordance with law, within a period of two 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 VI)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai-600 009.



2. The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genius Road,
Saidapet, Chennai-600 015.

WEB COPY

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.34372
+1cc to the Special Government Pleader, S.R.No.34395

W.P.No.15432 of 2019
and
W.M.P.No.15379 of 2019

LN(CO)
CS/13/08/2021