



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19027 of 2021

AND

W.M.P.No.20286 of 2021

(Through Video Conferencing)

1.M.Vijayakumaran

2.A.Ramakrishnan

3.C.Kuppusamy

...Petitioners

Vs

1.Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

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

...Respondents

Prayer : 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 including their name 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.35281 of 2019 dated 20.12.2019 by considering the representation made by the petitioner dated 08.03.2021.

For Petitioners : Mr.S.Mani

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



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ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

2. Already an order has been passed in W.P.No.19023 of 2021 in the case of Plot Watchers by placing reliance on the decision of the Hon'ble Supreme Court in Prem Singh Vs State of Uttar Pradesh and others, passed in C.A.No.6798 of 2019 dated 02.09.2019 and in State of Karnataka Vs. Umadevi, (2006) 4 SCC 1 and in the light of G.O.Ms.No.131, Personnel and Administrative Reforms (F) Department dated 28.11.2020.

3. In the present case, the petitioners were appointed as Plot Watchers between 1982 and 1983 and their services were regularized as Forest Watchers between 2004 and 2009. Thereafter, the second petitioner herein was noted as Forest Watcher, the first and third petitioners were promoted as Forest Guards. They were also given notional promotion from various dates as detailed below:-

Sl. No	Name of the Employee	Date of Appointment as Plot Watcher	Date of Regularization of Service as Forest Watcher	Date of Promotion as Forest Guard	The Case Number for Notional Promotion with effect from 24.01.1995
1.	M.Vijayakumaran	01.08.1982	24.08.2005	01.10.2011	W.P.No. 3040/2014 Dated on 03.02.2014
2.	A.Ramakrishnan	01.01.1983	27.07.2009	-	W.P.No. 1005/2014 Dated on 10.01.2014
3.	C.Kuppusamy	01.03.1982	01.07.2004	20.09.2010	W.P.No. 4022/2018 Dated on 02.03.2018



4. The petitioners are now seeking for a Mandamus, to direct the respondents to consider the notional promotion of the petitioners as Forest Guard on par with their juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the orders passed in W.P.No.35281 of 2019 vide order dated 20.12.2019 by considering the representation made by the petitioners on 08.03.2021.

5. Since the issue is already answered in W.P.No.19023 of 2021 in the light of the Government Orders discussed therein and the decision of the Hon'ble Supreme Court in Prem Singh Case referred to supra, the prayer of the petitioners deserves to be allowed in this Writ Petition. Accordingly, this Writ Petition stands allowed by directing the respondents to consider the request of the petitioners to be notionally promoting to the post of Forest Guard on par with their juniors by including their name in the panel drawn in the year 2003-2004 with effect from 31.05.2004 within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

// True Copy //

Sub Assistant Registrar

arb

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

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

+3ccs to M/s.S.Mani, Advocate SR.No.45974

+1cc to the Special Government Pleader SR.No.46229 (13/10/2021)

W.P.No.19027 of 2021 and
W.M.P.No.20286 of 2021

PL(CO)
RVM(05/10/2021)