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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22248 of 2021
(Through Video Conferencing)

S.Vinayagam

...Petitioner

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,
Saidapet, Chennai - 015.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to consider the notional promotion to the petitioner as Forest Guard for purpose getting revised pension on par with 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 order passed in W.P.No.35281 of 2019 dated 20.12.2019 and in W.P.No.19027 of 2021 dated 09.09.2021.

For Petitioner : Mr.S.Mani

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

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. This Writ Petition is disposed at the time of admission in the light of the order passed by this Court in W.P.No.19027 of 2021 dated 09.09.2021. The operative portion from the said order reads as under:-



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"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."

4. This Writ Petition is allowed in terms of the above order. It is however made clear that appropriate orders shall be passed by the respondents within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-IV)

//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,
Saidapet, Chennai - 015.

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+1cc to M/s.S.Mani, Advocate, S.R.No.54379

+1cc to M/s.Government Pleader, (F) S.R.No.54026

W.P.No.22248 of 2021

BS (CO)
RGA (12/11/2021)