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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22804 of 2021

and

WMP.No.24028 of 2021

(Through Video Conferencing)

1. R.M.Elumalai
Forest Guard,
Reserve Forest,
Thiruvannamalai Range,
Vellore Circle.
2. G.Kuppuswamy
Forest Guard,
Reserve Forest,
Thiruvannamalai Range,
Thiruvannamalai Division,
Vellore Circle.

... Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

... Respondents

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 Petitioners as Forest Guard for purpose of 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 within the time limit to be stipulated by this Court.



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For Petitioners : Mr.S.Mani
For Respondents : Mr.V.P.R.Elamparithi
Government Advocate

O R D E R

The writ petition is disposed in the light of the order passed in W.P.No.19027 of 2021 dated 09.09.2021 after disposal of the said order reads as under:-

'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 .N o	Name of the Employee	Date of Appointm ent as Plot Watcher	Date of Regularizat ion of Service as Forest Watcher	Date of Promotion as Forest Guard	The Case Number for Notional Promotion with effect from 24.01.199 5
1.	M.Vijayakumaran	01.08.19 82	24.08.2005	01.10.2011	W.P.No. 3040/2014 Dated on 03.02.2014
2.	A.Ramakrishnan	01.01.19 83	27.07.2009	-	W.P.No. 1005/2014 Dated on 10.01.2014
3.	C.Kuppusamy	01.03.19 82	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



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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.''

2. In this case, the Petitioners joined the Forest Department as Plot Watchers and their services were regularized as Forest Watchers pursuant to the directions of this Court in W.P.No.26441 of 2016 and W.P.No.12876 of 2017 vide order dated 25.09.2016 and 17.05.2017, by which time the Petitioner's Junior services were already regularized as Forest Watcher. Thereafter, the Petitioner's junior were also promoted as Forest Guard in the year 2014. The Petitioners were promoted as Forest Guard only in the year 2013 and 2018. Since the Petitioners Juniors have been given promotion at an earlier point of time, the Petitioners were also entitled to the same treatment.

3. This writ petition is therefore allowed and consequential direction to the Respondents to make necessary changes in the Pension/Service Registers of the Petitioners within a period of 16 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP. is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rrg



To

1. The Secretary,
Government of Tamil Nadu
Environment and Forest Department,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

+2ccs to M/s.Mani, Advocate, S.R.No.55132

+1cc to the Government Pleader, S.R.No.55622

W.P.No.22804 of 2021

VSN-II (CO)
SU(02/12/2021)