



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23076 of 2019

I.Kadher Basha

...Petitioner

Vs

1.The State of Tamil Nadu,

Rep. by its Principal Secretary to the Government,
Environment and Forest Department,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of

Forest and Head of Forest Department,
Panagal Building,
Saidapet, Chennai 600 015.

3.The Conservator of Forest,

Villupuram Circle,
Villupuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Pro.No.3504/2016/Pa.1 dated 29.05.2016 to quash the same and to direct the third respondent herein to include the name of petitioner in the appropriate place in the panel for promotion as Forest Ranger for the year 2010-2011 issued in proceedings No.B2/45148/2010 dated 10.12.2010 and to grant all consequential service and monetary benefits with retrospective effect from the date of promotion of his immediate junior in implementation of the judgement dated 02.02.2011 in W.P.No.29940 of 2010, confirmed by the Division Bench of this Court in judgement dated 23.11.2011 in W.A.No.2145 of 2011.

(amended as per order made in W.M.P.No.28720/2019 dated 14.10.2019)

For Petitioner : Mr.M.Ravi

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



ORDER

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

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2. Since the petitioner's request to consider the appeal petition filed by him on 14.03.2017 with regard to the punishment imposed on him in the disciplinary proceedings, in view of the order passed by this Court in W.P.No.28166 of 2018 dated 26.10.2018, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 03.12.2018, 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 petitioner's representation dated 03.12.2018 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 petitioner 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 petitioner's representation dated 03.12.2018 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks 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(CCC)

//True Copy//

Sub Assistant Registrar

hvk



To

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

2.The Principal Chief Conservator of
Forest and Head of Forest Department,
Panagal Building,
Saidapet,
Chennai 600 015.

3.The Conservator of Forest,
Villupuram Circle,
Villupuram.

W.P.No.23076 of 2019

PMK(CO)
B.VC(10.08.2021)