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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23563 of 2021  
and  
W.M.P.No.24783 of 2021  
(Through Video Conferencing)

1.A.Palayam  
2.P.R.Prathapan  
3.G.Ramachandran

...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,  
Saidapet, Chennai - 600 009.

...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 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 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 Petitioners : 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. This writ petition is being disposed at the time of admission considering the fact that the issue now stands squarely covered by several orders of this Court including the



order passed in W.P.No.19027 of 2019, vide order dated 09.09.2021. This Court has followed the earlier decisions and allowed the relief. The relevant portion from the said order reads as under:-

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



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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."

3. Since the issue is covered in terms of the above order of this Court, this Writ Petition stands allowed with consequential relief to the petitioners. The respondents are directed to make necessary corrections in the service register of the petitioners and pay consequential relief to the petitioners within a period of sixteen weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rgm/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 - 600 009.

+3cc to Mr.S.Mani, Advocate, S.R.No.56804 (22/12/2021)

+1cc to the Government Pleader, S.R.No.56718

W.P.No.23563 of 2021  
and W.M.P.No.24783 of 2021

NK(CO)  
RGA(26/11/2021)