



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3071 of 2021

K.Sivenraj

...Petitioner

Vs.

1. The Principal Chief Conservator of Forests
(Head of Forest Force),
Panagal Buildings,
Saidapet,
Chennai-600 015.

2. The Chief Conservator of Forest,
Tirunelveli Circle,
Tirunelveli,
NGO "A" Colony,
Tirunelveli-627 007.

3. The District Forest Officer,
Tirunelveli Division,
NGO "A" Colony,
Tirunelveli-627 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent i.e., the Principal Chief Conservator of Forests (Head of Forest Force), Chennai, to include the name of the petitioner in the approved panel of Forester for the year 2017-18 and issuance of orders of postings on par with his juniors within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to



include his name in the approved panel of Forester for the year 2017-18 and issuance of posting order on par with his juniors was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.02.2020, which is still pending.

WEB COPY 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 first respondent herein to consider the petitioner's representation dated 20.02.2020, 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 view 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 first respondent to consider the petitioner's representation dated 20.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CP

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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+1 CC to Mr.S.VISVALINGAM, Advocate (SR-5875[F] dated 18/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6206[F] dated 19/02/2021)

Order made in
W.P.(MD) No.3071 of 2021
18.02.2021

KUN(CO)
SRS (02/03/2021) 3P : 6C