



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4479 of 2021

P.Gunasekaran

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,

Panagal Building,
Saidapet,
Chennai - 15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint the petitioner in the cadre post of Forest Watcher, by giving the benefit of relaxation of height rule with effect from the date of his juniors appointment in the post of Forest Watcher, on 24.01.1995, by considering his representation, dated 16.09.2020, in the light of the order passed in W.P.No.9708 of 2014, dated 12.09.2014, W.P.No.25274/2014, dated 17.09.2014, W.A.No.1703 of 2014, dated 20.01.2015, SLP(Civil) No.12056 of 2015, dated 05.07.2016, and Ref.No.LL2/31604/2014 dated 10.02.2020 and also G.O. (Ms) No.49, Environment and Forests (FR2-II) Department, dated 01.09.2020, with all consequential benefits, within time frame.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr.VPM.Vaishnavi
Government Advocate

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 appoint the petitioner in the cadre post of Forest Watcher, by giving the benefit of relaxation of height rule with effect from the date of his juniors appointment in the post of Forest Watcher, on 24.01.1995, by considering his representation, dated 16.09.2020, in the light of the order passed in W.P.No.9708 of 2014, dated 12.09.2014, W.P.No.25274/2014, dated 17.09.2014, W.A.No.1703 of 2014, dated 20.01.2015, SLP(Civil) No.12056 of 2015, dated 05.07.2016, and Ref.No.LL2/31604/2014 dated 10.02.2020 and also G.O. (Ms) No.49, Environment and Forests (FR2-II) Department, dated



01.09.2020, with all consequential benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 16.09.2020, 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 respondents herein to consider the petitioner's representation dated 16.09.2020, 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 respondents to consider the petitioner's representation dated 16.09.2020, 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 (Crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

1.The Secretary to Government,
State of Tamil Nadu,
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2.The Principal Chief Conservator of Forest,
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+1 CC to M/s.SPL GP (SR-9200[F] dated 05/03/2021)

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pm(CO)

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