



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4265 of 2021

Sudalaimuthu

...Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Collector Office near,
Thoothukudi District.

2.The District Forest Officer/Wild Life Warden,
North Main Street,
N.G.O.A Colony,
Tirunelveli-627 007.

3.The Forest Range Officer,
Forest Range Office,
Courtallam, Tenkasi District.

4.The Principal Accountant General,
Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai-600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to count the half of the service rendered by the petitioner as a social forestry worker from 26.10.1984 to 06.08.2009 along with his regular service as Plot Watcher/Bangalow Watcher from 07.08.2009 to 29.02.2020 as the qualifying service for pension/pensionary benefits and to send the revised pension proposal to the fourth respondent to sanction the eligible pension and all other terminal benefits with arrears to the petitioner as granted to other similarly placed persons in reported judgment 2014 (6) MLJ 316 and in W.P(MD) No.18975 of 2015 and W.P(MD) No.10970 of 2019 and in G.O. (3D) No.15, Environment and Forest (FR.211) Department dated 27.05.2019.



For Petitioner : Mr.S.Sivasubramanian, Advocate

For R-1 to R-3 : Mr.S.Dhayalan
Government Advocate

For R-4 : Mr.P.Gunasekaran, Advocate

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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 count the half of the service rendered by him as a social forestry worker from 26.10.1984 to 06.08.2009 along with his regular service as Plot Watcher/Bangalow Watcher from 07.08.2009 to 29.02.2020 as the qualifying service for pension/pensionary benefits and to send the revised pension proposal to the fourth respondent to sanction the eligible pension and all other terminal benefits with arrears to him was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.03.2020, 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 1 to 3 herein to consider the petitioner's representation dated 13.03.2020, 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 1 to 3 to consider the petitioner's representation dated 13.03.2020, 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 (T&P)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

To

- 1.The Principal Chief Conservator of Forest,
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Thoothukudi District.
- 2.The District Forest Officer/Wild Life Warden,
North Main Street,
N.G.O.A Colony, Tirunelveli-627 007.
- 3.The Forest Range Officer,
Forest Range Office,
Courtallam, Tenkasi District.

+1 CC to M/s.S.SIVA SUBRAMANIAN, Advocate (SR-8525[F] dated 03/03/2021)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-8665[F] dated 04/03/2021)

+1 CC to M/s.SPL GP (SR-8729[F] dated 04/03/2021)

W.P.(MD) No.4265 of 2021
03.03.2021

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TK/16.03.2021/3P/7C