



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6445 of 2021

WEB COPY

G.Vishwanathan

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Forest and Environment Department,
Fort St.George,
Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to appoint the petitioner in the cadre of Forest Watcher by relaxing the Rule 5 of the Special Rules of Tamil Nadu Forest Subordinate Service Rules with respect to height, on par with his juniors by considering his representation dated 19.06.2019 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 and confer all consequential benefits.

For Petitioner : Mr.G.Chandrasekar

For Respondent : Mr.P.Mahendran
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 appoint him in the cadre of Forest Watcher by relaxing the Rule 5 of the Special Rules of Tamil Nadu Forest Subordinate Service Rules with respect to height, 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 19.06.2019, 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 first respondent herein to consider the petitioner's representation dated 19.06.2019, 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 19.06.2019, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (P&A)

// 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.



To

1.The Secretary to Government,
The Government of Tamil Nadu,
Forest and Environment Department,
Fort St.George,
Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-600 015.

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-13065[F] dated 23/03/2021

W.P.(MD) No.6445 of 2021

RK (26.04.2021) 3P 4C