



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6325 of 2021

R.Sivanesan

...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.
- 3.The District Forest Officer cum Wild Life Warden,
Megamalai Wild Life Forest Division,
Theni District,
Theni.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1 to 3 respondents to consider representation date 07.01.2021, with regard to count the petitioner's service in full as qualifying service by absorbing the Forest watcher service on completion of ten years notionally from 01.08.1998 to till the date of retirement on 31.05.2016 similar to Junior in the light of G.O.Ms.No. 22 P and AR Department dt. 28.02.2006 and the order made by the District Educational Officer Paramakudi in Na.Ka.No. 2648 /A1/2008 dt. 30.04.2012, along with the half of the contingencies service paid from 01.08.1978 to 31.07.1988 for the purpose of old pension and to send pension proposal to the 4th respondent to authorize the same with all consequential arrear benefits with interest as per the pension rule within time frame as fixed by this Court.

For Petitioner : Mr.T.Kanna Patel
For Respondents : Mrs.J.Padmavathi Devi for R1 to R3
Special Government Pleader
Mr.P.Gunasekaran for R4



ORDER

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 petitioner's service in full as qualifying service by absorbing the Forest watcher service on completion of ten years notionally from 01.08.1998 to till the date of retirement on 31.05.2016 similar to Junior in the light of G.O.Ms.No. 22 P and AR Department dt. 28.02.2006 and the order made by the district Educational Officer Paramakudi in Na.Ka.No. 2648 /A1/2008 dt. 30.04.2012, along with the half of the contingencies service paid from 01.08.1978 to 31.07.1988 for the purpose of old pension and to send pension proposal to the 4th respondent to authorize the same with all consequential arrear benefits with interest as per the pension rule, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 07.01.2021, 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 07.01.2021, 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 07.01.2021, 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 (CO)

WEB COPY

// 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.

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MJ (CO)

KB (29.04.2021) 3P 5C