



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

WEB COPY

W.P. (MD) Nos.6569, 6570 and 6572 to 6577 of 2021

K.Arumugam	...Petitioner in W.P. (MD) No.6569 of 2021
A.Murugesan	...Petitioner in W.P. (MD) No.6570 of 2021
P.Duraiyan	...Petitioner in W.P. (MD) No.6572 of 2021
M.Mariyappan	...Petitioner in W.P. (MD) No.6573 of 2021
P.Pitchai	...Petitioner in W.P. (MD) No.6574 of 2021
K.Pandi	...Petitioner in W.P. (MD) No.6575 of 2021
S.Thangapandi	...Petitioner in W.P. (MD) No.6576 of 2021
R.Muthuchelvan	...Petitioner in W.P. (MD) No.6577 of 2021

Vs.

1.The State of Tamilnadu,
represented 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 in all Petitions

COMMON 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 Junior's appointment in the post of Forest Watcher on 24.01.1995 by considering his representation dated 05.10.2020, 10.11.2020 and 04.11.2020 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 respectively.

In all WPs.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader



COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2. Since the petitioners' request to the respondents to appoint them in the cadre post of Forest Watcher, was not considered, the writ petitions have been filed. According to the petitioners, they have made representations in this regard on 05.10.2020, 04.11.2020 and 10.11.2020, which are 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 1st respondent herein to consider the petitioners' representations dated 05.10.2020, 04.11.2020 and 10.11.2020, 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 petitioners 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 1st respondent to consider the petitioners' representations dated 05.10.2020, 04.11.2020 and 10.11.2020, 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, the Writ Petitions stand disposed of. No costs.

Sd/-

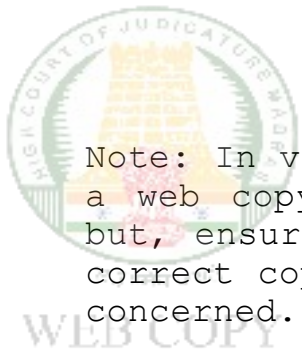
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

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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,
Environment and Forest Department,
Fort St.George,
Chennai -9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai -15.

+1 CC to M/s.SPL GP (SR-13591[F] dated 25/03/2021)

W.P. (MD) Nos.6569, 6570 and 6572 to 6577 of 2021

24.03.2021

KUN(CO)

TR(26.04.2021) 3P 4C