



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.6501 of 2021

K.Kaliyaperumal

... 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 as regular time scale Forest Watchers taking into account of his seniority, on par with his juniors with effect from 24.01.1995 for the purpose of getting pension by considering his representation dated 08.01.2021 in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and G.O.(Ms) No.01, Environment and Forests (FR.2-II) Department, dated 01.01.2021 with all consequential benefits within time frame.

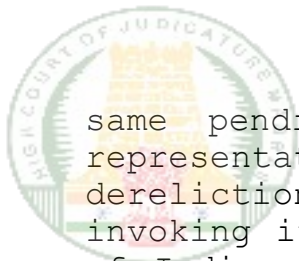
For Petitioner : Mr.K.Jenitha
For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader.

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 as Forest Watcher in regular time scale of pay taking into account his seniority on par with his juniors with effect from 24.01.1995 for the purpose of getting pension was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 08.01.2021, 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.

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4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 08.01.2021, 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 second respondent to consider the petitioner's representation dated 08.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 9.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 15.

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AC (CO)

KB(30.04.2021) 2P 3C