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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.26859 of 2008

A.Essaki

...Petitioner

-Vs-

1.The Secretary to Government,
Environment & Forest Dept.,
Fort St. George,
Chennai - 600 009.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the G.O.Ms.128, Environment and Forest (FR.II) Department dated 04.08.2005 of the 1st respondent and consequential 2nd respondent's Proc.No. AB1/15450/02 dated 24.10.2005 and quash the same and further direct the respondents to fix the due seniority of the petitioner in the Forest Department, taking into consideration his date of initial (regular) appointment (as Fieldman) in the CINCHONA Department and give him all service benefits, including monetary benefits etc., retrospectively, on par with his immediate juniors (who were retired as Range Officers). (Prayer amended vide order dated 06.12.2021 in WMP.No.27252 of 2021 in WP.No.26859 of 2008)

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
for Mr.V.Chokalingham

For Respondents: Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.C.Selvaraj,
Additional Government Pleader



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

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2. The prayer sought for in this writ petition has become redundant, since the petitioner's claim for counting the services rendered by him in the erstwhile Cinchona Department has been counted, for the purpose of his pensionary benefits, as pointed out by the learned Additional Advocate General, in the proceedings of the Principal Chief Conservator of Forests dated 28.11.2008, which states that the petitioner herein would not be eligible for any financial benefits for the notional promotion granted to him, but it can be counted for pensionary benefits.

3. The impugned orders do not require any interference, in view of the proceedings of the Principal Chief Conservator of Forests, dated 28.11.2008, which admits that the petitioner would be entitled for the pensionary benefits on the notional promotion granted to him. In case such pensionary benefits have not been granted for these notional promotions, the petitioner is at liberty to give a representation before the Principal Chief Conservator of Forests, ventilating his grievances with regard to his claim for pensionary benefits, by taking into account his services rendered in the erstwhile Cinchona Department. On receipt of such a representation, the respondents shall consider the same, in the light of the proceedings dated 28.11.2008, as well as the earlier proceedings dated 24.10.2005 and pass appropriate orders, within a period of 12 weeks from the date of receipt of such a representation.

4. With the above liberty, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to Government,
Environment & Forest Dept.,
Fort St. George,
Chennai - 600 009.



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

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+1cc to Government Pleader (Forest) SR.No.12218

W.P.No.26859 of 2008

KG(CO)
GMY(04/03/2022)