



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27603 of 2010

and

M.P.No.2 of 2010

Sivakumar

... Petitioner

Vs

1. The Secretary,  
P and AR (M) Department,  
Chennai - 600 009.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent issued in G.O.(D).No.107 P and AR (M) Department dated 18-08-2009 and quash the same and consequently direct the second respondent to include the petitioner's name in the panel fit for promotion to the post of Foresters from among the members transfer from Tamil Nadu Ministerial Service for the year 2009-2010 and promote him as Foresters from the date on which our juniors were promoted with all service and monetary benefits.

For Petitioner : Mr.R.Balaraman

For Respondents : Mr.E.Rankanayaki  
Additional Government Pleader  
[For R1]

Mr.K.H.Ravikumar  
Special Government Pleader  
[For R2]

ORDER

This writ petition is filed by the petitioner, challenging G.O.(D).No.107 Personnel and Administrative Reforms (M) Department dated 18.08.2009 and consequently to direct the respondents to include the petitioner's name in the Panel fit



for promotion to the Post of Foresters from among the members of the Tamil Nadu Ministerial Service for the year 2009-10 and promote him from the date on which his juniors were promoted.

2. When the matter came up for hearing today, the learned counsel appearing for the respondents submits that the said Government Order was upheld by the Hon'ble Division Bench of this Court by judgment dated 10.02.2011 in W.P.No.18729 of 2010. Subsequently, the Rule was also amended vide G.O.Ms.No.65, Personnel and Administrative Reforms (S) Department dated 02.07.2014.

3. This apart, the said Rule is also now included as a condition of service in Section 25 Sub-Clause (ii) (a) of the Tamil Nadu Government Servants (Condition of Service) Act, 2016.

4. In that view of the matter, the prayer made by the petitioner cannot be countenanced and hence, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,  
P and AR (M) Department,  
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building,  
Saidapet, Chennai - 15.

+lcc to Mrs.Selvi George, Advocate, S.R.No.17093  
+lcc to the Special Government Pleader, (Forest) S.R.No.16849

W.P.No.27603 of 2010

MT (CO)  
CT 31/03/2022