



W.P.No.39349 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.39349 of 2016

P.Munisamy

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort. St. George, Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai – 600 015.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to confer notional promotion to the petitioner as Forest Range Officer pursuant to the drawal of the panel on 12.8.2016 for the panel year 2015-2016 taking into account the employment of the petitioner during the crucial date for preparation of such panel for promotion namely 15.8.2015 with all consequential monetary benefits within a limit to be stipulated by this Court.



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For Petitioner : Mr.T.Sellapandian
for Mr.S.Mani

For Respondents : Mr.K.Ravikumar
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to confer notional promotion to the petitioner as Forest Range Officer pursuant to the drawal of the panel on 12.08.2016 for the panel year 2015-16 taking into account the employment of the petitioner during the crucial date for preparing of such panel for promotion namely 15.08.2015 with all consequential monetary benefits.

2.The grievances of the petitioner is that his name was not considered for promotion to the post of Forest Range Officer. The petitioner is a retired Forester. With reference to the non-consideration of the name of the writ petitioner for promotion to the post of Forest Range Officer, the Principal Chief Conservator of Forests in his counter affidavit stated as under:



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4. *It is respectfully submitted that the panel of foresters fit for promotion as Forest Range Officer for the year 2015-16 was approved by the 2nd respondent vide Proc. No.82/35145/2015 dated 12.08.2016. Before approving the above panel, the writ petitioner has retired from service on superannuation on the after noon of 30.04.2016. No junior to him was promoted as Forest Range Officer in the above panel. Therefore, the writ petition has no merit and is liable to be dismissed.*

5. *As regards to para 3, it is respectfully submitted that the petitioner was initially appointed as Forest Watcher on 01.05.1982. He was promoted as Forest Guard on 07.07.1994 and then he was promoted as Forester on 02.09.2009. He has retired from service on superannuation on the afternoon of 30.04.2016. No junior to him was promoted as Forest Range Officer as on 30.04.2016.*

3. An employee can claim notional promotion only in the event of establishing that his junior was promoted overlooking his name in violation of rules or otherwise. In the present case, none of the juniors to the petitioner was promoted during his service and therefore, the relief as such sought for notional promotion would not arise at all.



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S.M.SUBRAMANIAM, J.

SSR

4. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No
SSR

(2/2)

To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort. St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
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