



W.P.No.24762 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.24762 of 2022

P.Kannaian

.... 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 Forests
Panagal Building, Saidapet
Saidapet, Chennai-15.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to give notional promotion in the post of Forester on par with the petitioner's juniors as per the judgment made in W.P.No.40881 of 2016 dated 22.11.2016 by considering this last representation dated 23.11.2021 within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.M.Rajendran
Additional Government Pleader



W.P.No.24762 of 2022

ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the respondents to give notional promotion in the post of Forester on par with the petitioner's juniors as per the judgment made in W.P.No.40881 of 2016 dated 22.11.2016 by considering this last representation dated 23.11.2021 within time frame.

2. The petitioner was initially engaged as Plot Watcher on daily basis with effect from 02.04.1984. Thereafter, statewise seniority list was prepared, where his name was included at Sl.No.3455. Thereafter, on 09.11.2010 the petitioner was appointed as Forest Watcher. However, the petitioner's junior had been given Forest Watcher promotion 24.01.1995 itself. Therefore, in order to get the said post of Forest Watcher notionally from the date when his juniors got promoted, the petitioner has already approached this Court in W.P.No.1739 of 2012. Pursuant to the orders passed by this Court, the petitioner was given notional promotion as Forest Watcher with effect from 1995.

3. Thereafter, the Forest Guard post also has been given to the petitioner with effect from 17.06.2004. However, insofar as the Forester post is concerned, the petitioner's juniors though had been given such post, the petitioner's case was not considered. Hence, he approached this Court along with similarly placed



W.P.No.24762 of 2022

persons by filing W.P.No.40881 of 2016. A learned Judge of this Court disposed of the said writ petition by order dated 22.11.2016, wherein the following order was passed.

"In view of the same, the respondents are directed to include the name of the petitioners in the panel for the year 2011-12 and promote them as Foresters from the date on which their juniors were promoted on notional basis. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order."

4. Despite this order having been passed sometime in 2016, the same has not been implemented and the petitioner has not been given the post of Forester on the date on which his juniors were given promotion. Therefore, in order to get the same the petitioner has given a representation dated 23.11.2021 and since the same has not yet been considered, the petitioner has filed the present writ petition.

5. Heard Ms.K.Jenitha learned counsel for the petitioner, who seeks the indulgence of this Court to issue a writ of mandamus to consider the representation of the petitioner.

6. Heard Mr.M.Rajendran, learned Additional Government Pleader



W.P.No.24762 of 2022

appearing for the respondents who would also submit that the representation in this regard submitted by the petitioner dated 23.11.2021 would be considered and orders would be passed within a time frame that may be stipulated by this Court.

7. Considering the said submission made by both sides especially having regard to the submission made by the learned Government Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following order.

" That there shall be a direction to the second respondent to consider the representation of the petitioner dated 23.11.2021 and pass orders thereon on merits and in accordance with law by taking into account the import of the order passed by this Court dated 22.11.2016 in W.P.No.40881 of 2016 and pass orders within a period of eight weeks from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of. No costs.

14.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

1.The Secretary to Government



W.P.No.24762 of 2022

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

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



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W.P.No.24762 of 2022

R. SURESH KUMAR, J.

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W.P.No. 24762 of 2022

14.09.2022