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W.P. No.27267 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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- 1.D.Ganesan
- 2.T.Paramasivam
- 3.V.Krishnan
- 4.M.Selvaraj
5. V.Vijayan
- 6.G.Kannan
- 7.D.Raja Manickam
- 8.V.Narasimman
- 9.M.Neelavathi
- 10.V.Arumugam
- 11.G.Moorthy
- 12.S.Ganesan
- 13.G.Selvamani

... Petitioners

VS.

1. Government of Tamilnadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
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 give notional



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promotion to the petitioners as Forest Guard for purpose of getting revised pension on par with juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the order passed in W.P.No.35281 of 2019 dated 20.12.2019 and in W.P.No.19027 of 2021 dated 09.09.2021 and consequential promotion as forester for the year 2011-12 within time limit to be stipulated by this Court.

For petitioners : Mr.S.Mani

For respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider notional promotion to the petitioners as Forest Guard for the purpose of getting revised pension on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the orders passed in W.P.No.35281 of 2019 dated 20.12.2019 and in W.P.No.19027 of 2021 dated 09.09.2021 and consequential promotion as forester for the year 2011-12 within a time frame to be fixed by this Court.

2. Mr.K.H.Ravikumar, learned Government Advocate accepts



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notice on behalf of the respondents. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3. According to the petitioners, identically placed persons were granted notional promotion pursuant to the orders passed by this Court in the aforementioned writ petitions. According to them, if notional promotion is granted, they will be getting revised pension. In such circumstances, they have given a representation on 19.02.2022 to the respondents. Since the representation has not been considered, till date, they have filed this writ petition.

4. Heard Mr.S.Mani, learned counsel for the petitioners and Mr. K.H.Ravikumar, learned Government Advocate appearing for the respondents.

5. No prejudice would be caused to the respondents, if the petitioners' representation as stated supra is considered on merits and in accordance with law, in the light of the aforementioned orders subject to its applicability.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioners' representation dated 19.02.2022



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seeking for grant of notional promotion as Forest Guard for the purpose of getting revised pension on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004, within a period of twelve weeks from the date of receipt of a copy of this order. While considering the petitioners' representation, the first respondent is directed to give due consideration to the orders passed in W.P.No.35281 of 2019 dated 20.12.2019 and W.P.No.19027 of 2021 dated 09.09.2021 and decide as to whether the same is applicable to the case of the petitioners or not.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

13.10.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order



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To
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1. The Secretary,
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Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai - 600 015.



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ABDUL QUDDHOSE, J.

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