



WEB COPY



W.P. No.27778 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.27778 of 2022

S. Madhappan

...Petitioner

vs.

1. Government of Tamil Nadu,
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.

3. Conservator of Forest,
Salem region

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner representation dated 20.09.2021 and pass orders basis of the recommendation made by the 3rd respondent in Na.Ka. No.2480/2018/Pa/2, dated 02.04.2018 and clarification from the 2nd respondent in Na.Ka.No.S2/16424/2007, dated 02.07.2019 same was clarified by the 3rd respondent in Na.Ka.No.S2/16424/2007, dated



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09.01.2021 and consider the claim of the petitioner appointment / driver on par with juniors w.e.f. 09.04.2007 in the light of the order passed by the 2nd respondent in Na.Ka. No.S2/16424/200, dated 15.12.2017 and Notional appointment /promotion to petitioner junior basis of our highcourt order dated 20.07.2021 and light of the order passed by the our honourable high court order in W.P. No.33045 of 2019, dated 26.11.2019 and same was implemented by the 2nd respondent in Na.Ka.No.S2/16424/2007, dated 20.07.2021.

For petitioner : Mr.S.Mani
For respondents : Mr.T. Seenivasan,
Spl. Govt. Pleader

ORDER

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

2. Mr.T. Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to consider the petitioner's representation, dated 20.09.2021 and pass appropriate orders based on the recommendations made by the 3rd respondent, dated 02.04.2018 to the 2nd respondent, within a time frame to be fixed by this Court.



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4. The petitioner claims that his juniors were promoted on 09.04.2007, whereas the petitioner was promoted only on 23.09.2010. In such circumstances, he has given a representation and based on his representation, the 3rd respondent has recommended the petitioner's case and has forwarded the proposal to the 2nd respondent on 09.01.2021. Since the proposal has not been considered till date by the 2nd respondent, the petitioner has filed this writ petition.

5. Heard Mr.S. Mani, learned counsel for the petitioner and Mr.T.Seenivasan, Special Government Pleader for the respondents.

6.The petitioner has filed a copy of the proposal sent by the 3rd respondent to the 2nd respondent recommending the petitioner's case for promotion along with his juniors, who were promoted on 09.04.2007 itself.

7. Admittedly, no final orders have been passed till date by the 2nd respondent.

8. No prejudice would be caused to the respondents, if a direction is issued to the 2nd respondent to pass final orders on the 3rd respondent's proposal, dated 09.01.2021 seeking for promotion of the petitioner along with his juniors, who were promoted in the year 2007, within a time frame to be fixed by this Court.



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9. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on the 3rd respondent's proposal, dated 09.01.2021 under which a recommendation has been made to promote the petitioner along with his juniors, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, this writ petition is disposed of.

No costs.

18.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :
1. The Secretary,
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Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
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ABDUL QUDDHOSE, J.

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