



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.10422 OF 2017

AND

W.M.P.NO.3930 OF 2020

N.Sivakumar

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Forest & Environment Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Chief Conservator
of Forests,
Jeenis Road, Panagal Building,
Saidapet, Chennai - 600 015.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent vide Ref.No/AB2/1960/2013 dated 14.11.2016 and quash the same and consequently direct the respondents to open up the promotional avenue so as to promote the petitioner to the post of Forest Guard/Forester.

For Petitioner : Mr.Lesi Saravanan

For R1 : Mr.C.Selvaraj,
Additional Government Pleader

For R2 : Mr.S.Arun Kumar,
Additional Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The grievance of the petitioner is that there is no promotional avenue for the post of Driver and therefore seeks



for opening of an promotional avenue to enable them to be promoted to the post of Forest Guard/Forester. When such a grievance was earlier put forth before this Court by the petitioner in W.P.No.32837 of 2012, this Court, by an order dated 23.09.2014 had directed the Government to consider the proposal for creating a promotional avenue. In consequence to such an order, the present impugned order dated 14.11.2016 has been passed by the second respondent herein, stating that since the Drivers of their department have the benefit of being placed in Selection Grade and Special Grade of pay scales, their salaries are more than that of the category of "Forester" and therefore, the amendment to the Rules of the Tamil Nadu Forest Subordinate Service Rules, is not necessary.

3. I do not find any infirmity in the reasoning adopted by the second respondent. First of all, the decision to create a promotional avenue is a policy decision to be taken by the respondents and this Court, invoking its power under Article 226 of the Constitution of India, will not interfere with such policy decisions. Secondly, when the respondents have taken into account of the stagnation of the post Driver and extended Selection Grade and Special Grade of pay, thereby enabling the Drivers to step up their salaries, which is more than that of the post of Forester, there is no justification on the part of the petitioner to seek for an additional promotional avenue to the post of a "Forester".

4. In the result, I do not find any merits in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

hvk

To

1.The Secretary to Govt.,
The State of Tamil Nadu,
Forest & Environment Department,
Fort St. George,
Chennai - 600 009.



2.The Principal Chief Conservator
of Forests,
Jeenis Road, Panagal Building,
Saidapet, Chennai - 600 015.

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+1cc to M/s.Lesi Saravana, Advocate Sr.No.4563

+1cc to the Special Government Pleader Sr.No.4963

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and
W.M.P.No.3930 of 2020

PMK(CO)
SB(16/02/2022)