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W.P.No.28029 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28029 of 2022

- 1.M.Muniyan
- 2.M.Thirumaran
- 3.A.Ramasamy
- 4.T.Varadarajan
- 5.A.Mayavan

... Petitioners

Versus

- 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. The District Forest Officer,
Erode District at Erode.
4. The Chief Conservator of forest cum field Director,
STR, Erode and District.
5. The Accountant General, A&E,
DMS Compound,
Teynampet, Chennai-600 018

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying

<https://www.mhc.tn.gov.in/judis>



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this Court to issue a writ of mandamus, directing the 3rd and 4th respondents to send the proposal to the 5th respondent to implement the 2nd respondent's proceedings No.AB2/8578/2020 dated 22.04.2021 and same respondent's another proceedings No.AB2/10689/2020 dated 11.10.2021 so as to enable to get revised pension in the category of Forest Guard with effect from 17.06.2004 as per Tamil Nadu Fundamental Rule 27(17) and all consequential monetary benefits.

For Petitioners : Mr.S.Mani

For Respondents : Mr.K.H.Ravikumar
Govt.Advocate
For R.1 to R.4
M.Vijay Shankar
For R.5

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the 3rd and 4th respondents to send the proposal to the 5th respondent to implement the 2nd respondent's proceedings No.AB2/8578/2020 dated 22.04.2021 and another proceedings No.AB2/10689/2020 dated 11.10.2021 so as to enable the petitioners to get revised pension in the category of Forest Guard with effect from 17.06.2004 as per Tamil Nadu Fundamental Rule 27(17) and all consequential monetary benefits within a time frame to be fixed by this Court.



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2. The petitioners claim that notional promotion to the post of Forest Guard was granted to him under the proceedings dated 22.04.2021 and 11.10.2021. However, despite their superannuation, they have not been paid the revision pension as per the notional promotion. Under such circumstances, the petitioners have given a joint representation on 21.02.2022 to the respondents requesting them to grant revised pension as per the notional promotion granted to them. Since the representation has not been considered till date, they have filed this writ petition.

3. Heard Mr.S.Mani, learned counsel for the petitioners and Mr.K.H.Ravikumar, learned Government Advocate accepts notice on behalf of the respondents 1 to 4 and Mr.Vijay Shankar, learned counsel accepts notice on behalf of the fifth respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Government Advocate appearing for the respondents would submit that notional promotion was granted to the petitioners only subject to the result of the Special Leave Petition pending before the Hon'ble Supreme Court.



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5. This Court is of the considered view that no prejudice would be caused to the respondents if the petitioners' joint representation, as stated supra, seeking for revision of pension, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioners' joint representation dated 21.02.2022, seeking for revision of pension based on the proceedings dated 22.04.2021 and 11.10.2021 issued by the second respondent, under which, the petitioners were notionally promoted as Forest Guard, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are directed to enclose a copy of this order along with the representation to the first respondent to enable them to comply with the order passed by this Court.

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

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SR
Index: Yes/No
Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE,J.

Sr

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