



WEB COPY

W.P.No.28076 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28076 of 2022

1.V.A.Manoharan
2.S.Jeevagan
3.G.Someswaran

... Petitioners

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 Building, Saidapet,
Chennai - 600 015.

3.The Accountant General A & E,
DMS Compound,
Teynampet, Chennai - 600 018.

4.The District Forest Officer,
Thiruvannamalai District.

5.The Additional Principle Chief Conservator and Director,
Arignar Anna Zoology Park,
Vandaloor, Chennai

...Respondents



WEB COPY



Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus praying for a direction to the respondents 3 to 5 to implement the second respondent proceedings dated 11.10.2021, 29.04.2021 and 10.03.2022 getting revised pension in the category of forest guard with effect from 17.06.2004, 01.07.2004 and 03.07.2004 respectively in the light of order passed in W.P.No.20465 of 2021 dated 24.09.2021 within time limit to be stipulated by this Court.

For Petitioners : Mr.S.Mani

For Respondents 1, 2, 4 & 5 : Mr.K.H.Ravi Kumar,
Government Advocate

For Respondent 3 : Mr.Vijay shankar

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the fourth respondent to send proposal to the third respondent to implement the second respondent's proceedings dated 11.10.2021, 29.04.2021 and 10.03.2022 so as to enable the petitioners to get revised pension in the category of Forest Guard with effect from 17.06.2004, 01.07.2004 and 03.07.2004 in the light of order passed in W.P.No.20465 of 2021 date 24.09.2021 within a time frame to be fixed by this Court.



2. Mr.K.H.Ravi Kumar, learned Government Advocate accepts notice on behalf of the respondents 1, 2, 4 & 5 and Mr.Vijay Shankar, learned counsel accepts notice on behalf of the third respondent. By consent of both parties, this writ petition has been taken up for final disposal in the admission stage itself.

3. The petitioners claim that notional promotion to the post of Forest Guard was granted to them under the proceedings dated 11.10.2021, 29.04.2021 and 10.03.2022. 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 05.04.2022 to the respondents requesting 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.

4. Heard Mr.S.Mani, learned counsel for the petitioners, Mr.K.H.Ravi Kumar, learned Government Advocate appearing for the respondents 1, 2, 4 & 5 and Mr.Vijay Shankar, learned counsel appearing for the third respondent.



5. 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.

6. 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.

7. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's joint representation dated 05.04.2022 seeking for revision of pension based on the proceedings dated 11.10.2021, 29.04.2021 and 10.03.2022 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.



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

costs.

20.10.2022

nl/sr

Index:Yes/No

Speaking/Non-speaking orders



To

WEB COPY

- 1.The Secretary,
Environment and forest Department,
Fort St. George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet,
Chennai - 600 015.
- 3.The Accountant General A & E,
DMS Compound,
Teynampet, Chennai - 600 018.
- 4.The District Forest Officer,
Thiruvannamalai District.
- 5.The Additional Principle Chief Conservator and Director,
Arignar Anna Zoology Park,
Vandaloor, Chennai



WEB COPY

W.P.No.28076 of 2



ABDUL QUDDHOSE, J.

nl

W.P.No.28076 of 2022

20.10.2022