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W.P.No.28071 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED:20.10.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.No.28071 of 2022**

1.G.Sekar

2.A.Vediappan

... 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 Maaligi, Jeenis Road,  
Saidapet, Chennai - 600 015.

3.The District Forest Officer,  
Thiruvannamalai District.

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

...Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus praying for a direction to send revised pension proposal to 4th respondents to implement the second respondent proceedings No.AB2/4063/2020 dated 17.12.2020 (1st petitioner) and Proc.No.AB2/4063/2020 dated 29.04.2021 (2nd petitioner) so as to enable the petitioners to get revised pension in the category of Forest Guard with



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effect from 17.06.2004 and all consequential monetary benefit within time limit to be stipulated by this Court.

For Petitioners : Mr.S.Mani

For Respondents 1 o 3 : Mr.K.H.Ravi Kumar,  
Government Advocate

For Respondent 4 : Mr.Vijay shankar

### **ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the third respondent to send proposal to the fourth respondent to implement the second respondent's proceedings No.AB2/4063/2020 dated 17.12.2020 and another proceedings No.AB2/4063/2020 dated 29.04.2021, so as to enable the petitioners to get revised pension in the category of Forest Guard with effect from 17.06.2004 and all consequential monetary benefits 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 to 3 and Mr.Vijay Shankar, learned counsel accepts notice on behalf of the fourth 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 17.12.2020 and 29.04.2021. 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 17.06.2021 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 to 3 and Mr.Vijay Shankar, learned counsel appearing for the fourth 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 17.06.2021 seeking for revision of pension based on the proceedings dated 17.12.2020 & 29.04.2021 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.

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

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Index:Yes/No

Speaking/Non-speaking orders



To

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- 1.The Secretary,  
Environment and forest Department,  
Fort St. George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests  
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Saidapet, Chennai - 600 015.
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**ABDUL QUDDHOSE, J.**



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