



WEB COPY



W.P.No.27788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27788 of 2022

A.Elumalai

... Petitioner

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

.... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the 3rd and 4th respondents to implement the 2nd respondent's proceedings No.AB2/4063/2020 dated 31.03.2022 and get revised pension in the category of Forest Guard with effect from 19.07.2004 and all consequential monetary benefits by considering the representation date 07.06.2021.



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For Petitioner : Mr.S.Mani
For Respondents : Mr.T.Seenivasan
Spl.G.P
For R.1 to R.3
M.Vijay Shankar
For R.4

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the 3rd and 4th respondents to implement the 2nd respondent's proceedings No.AB2/4063/2020 dated 31.03.2022 and get revised pension in the category of Forest Guard with effect from 17.06.2004 and all consequential monetary benefits by considering the representation dated 07.06.2021.

2. The petitioner claims that notional promotion to the post of Forest Guard was granted to him under the proceedings dated 31.03.2022. However, despite his superannuation, he has not been paid the revised pension as per the notional promotion. Under such circumstances, the petitioner has given a representation on 07.06.2021 to the respondents requesting them to grant revised pension as per the notional promotion granted to him. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.S.Mani, learned counsel for the petitioner and



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Mr.T.Seenivasan learned Special Government Pleader, 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 the parties, the main writ petition has been taken up for final disposal.

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

5. This Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's 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 petitioner's representation dated 07.06.2021, seeking for revision of pension based on the proceedings dated 31.03.2022 issued by the second respondent, under which,



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Sr

the petitioner was notionally promoted as Forest Guard, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is 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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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Secretary,

Government of Tamil Nadu

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,

Vellore District

4. The Accountant General, A&E,

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