



WEB COPY



W.P. No.28247 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.28247 of 2022

A. Duraisamy

...Petitioner

VS.

1. Government of Tamilnadu,
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.

Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the notional promotion to the petitioner as Forest Guard for purpose of getting revised pension on par with juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the order passed in W.P.No.35281 of 2019 dated 20.12.2019 and in W.P.No.19027 of 2021 dated 09.09.2021 by considering the representation dated 19.04.2022.

For petitioner : Mr.S. Mani

For respondents : Mr. T. Seenivasan,
Spl.Govt. Pleader



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ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.T. Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider notional promotion to the petitioner as Forest Guard for the purpose of getting revised pension on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the orders passed in W.P. No.35281 of 2019 dated 20.12.2019 and in W.P. No.19027 of 2021 dated 09.09.2021 based on the petitioners' representation dated 19.04.2022, within a time frame to be fixed by this Court.

4. According to the petitioner, identically placed persons were granted notional promotion pursuant to the orders passed by this Court in the aforementioned writ petitions. According to him, if notional promotion is granted, he will be getting revised pension. In such circumstances, he has given a representation on 19.04.2022 to the respondents. Since the representation has not been considered, till date,



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he has filed this writ petition.

WEB COPY 5. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.T.Seenivasan, Special Government Pleader appearing for the respondents.

6. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, in the light of the aforementioned orders subject to its applicability.

7. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioner's representation dated 19.04.2022 seeking for grant of notional promotion as Forest Guard for the purpose of getting revised pension on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 31.05.2004. While considering the petitioner's representation, the 1st respondent is directed to give due consideration to the orders dated 20.12.2019 in W.P.No.35281 of 2019 and order dated 09.09.2021 in W.P. No.19027 of 2021 and decide whether the same is applicable to the case of the petitioner or not. The 1st respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this



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order.

WEB COPY 8. With the aforesaid directions, this writ petition is disposed of.

No costs.

26.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :
1. The Secretary,
Government of Tamilnadu,
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.



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ABDUL QUDDHOSE, J.

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