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W.P.No.29518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.29518 of 2022

1.E.Settu
2.T.Tamilarasi
3.B.Mohanraj
4.M.Kannan
5.G.V.Mani

. Petitioners

Versus

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai-600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-600 015.

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to consider the petitioner's representation dated 30.08.2022 for notional promotion as Forest Guards in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of the proceedings of the 1st respondent in Letter No.314/FR.2)i)/2022-1, dated 24.01.2022 within the time frame to be fixed by this Court.

For Petitioners : Ms.K.Jenitha



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For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioners' representation dated 27.08.2022 for notional promotion as Forest Guards in the panel drawn for the year 2003-2004 with effect from 31.05.2004.

2. Heard Ms.K.Jenitha, learned counsel for the petitioners and Mr.T.M.Rajangam, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. The petitioners claim that they are working in the Forest Department. They claim that they have been regularised on 01.01.2021 retrospectively. The regularisation order has also been filed along with this writ petition. However, according to the petitioners, even though they have been working for more than thirty years in the Forest Department, they have not been granted promotion. According to them, in view of the retrospective regularisation, they have to be granted notional promotion as Forest Guards in



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the panel drawn for the year 2003-2004 with effect from 31.05.2004. The petitioners also rely upon an order dated 18.02.2021 passed by this Court in WP No.3463 of 2021 to substantiate their claim. The petitioners have given a representation on 27.08.2022 seeking for notional promotion as Forest Guards in the panel drawn for the year 2003-2004 with effect from 31.05.2004. Since the representation has not been considered till date, the petitioners have filed this writ petition.

4. No prejudice would be caused to the respondents if the petitioners' representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. The petitioners claim that they have been in service for the past thirty years and they have been regularised in the year 2021 retrospectively and they have not been granted any notional promotion from the date of their appointment. According to the petitioners, they are entitled for notional promotion as Forest Guards in the panel drawn for the year 2003-2004 with effect from 31.05.2004. It is for the respondents to consider the petitioners' claim on merits and in accordance with law.



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ABDUL QUDDHOSE,J.,

sr

6. For the foregoing reasons, this Court directs the respondents 1 and 2 to pass final orders on merits and in accordance with law on the petitioners representation dated 27.08.2022 seeking for notional promotion as Forest Guards in the panel drawn for the year 2003-2004 with effect from 31.05.2004 within a period of twelve weeks from the date of receipt of a copy of this order. While passing final orders, the respondents 1 and 2 shall take into consideration the order dated 18.02.2021 passed by this Court in WP No.3463 of 2021.

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

09.11.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai-600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-600 015.

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