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W.P.No.29655 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29655 of 2022

R. Juliet
Superintendent,
Office of the Conservator and Field Director,
Mudumalai Tiger Resort,
Udagamandalam – 643 001.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Environment Climate Change and Forests Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
(Head of Department),
Guindy, Chennai – 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to pass orders for revision of seniority of the petitioner in the post of Assistant and Superintendent with effect from 08.06.1994 and 01.06.2011 respectively and consequential promotion to the post of Personal Assistant to Conservator of Forest on par with her juniors with effect from 01.03.2019, with consequential and other attendant benefits, based on the common selection seniority for Typists and Steno-Typists appointed prior to 01.08.1992 coming under Category 17 of



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Tamil Nadu Ministerial Service Rules, as per clarificatory order issued by the Government in Letter No.42667/B/2019-1, Personnel and Administrative Reforms Department dated 12.08.2020, in consideration of representation submitted by the petitioner dated 28.12.2021, within a time frame to be fixed by this Court.

For Petitioner : Mr.J. Jayamalan

For Respondents : Mr.T. Seenivasan,
Special Government Pleader

ORDER

This Writ petition has been filed for a mandamus seeking for a direction to the respondents for revision of seniority of the petitioner in the post of Assistant and Superintendent and for further promotion to the post of Personal Assistant to Conservator of Forest on par with her juniors.

2. Heard the learned counsel for the petitioner. Mr.T. Seenivasan, learned Special Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that she was initially appointed as Steno-Typist in Forest Department through Tamil Nadu Public Service Commission (TNPSC) on



28.06.1990. According to the petitioner, the Government issued orders in G.O.Ms.No.256 dated 01.08.1992, imposing ban for promotion to the post of Assistant from the category of Steno-Typist with effect from 01.08.1992 on the ground that the salary for the post of Steno-Typist was hiked to the level of Assistant with effect from 01.08.1992. According to the petitioner, prior to 01.08.1992, there was a ratio of 4:1 being maintained for promotion to the post of Assistant from the post of Junior Assistant, Typist and Steno-Typist respectively. According to the petitioner, in view of the ban imposed for promotion of Steno-Typist in G.O.Ms.No.256 dated 01.08.1992, the petitioner who is Steno-Typist, was not promoted along with others who were holding the post of Junior Assistant and Typist. The petitioner has been promoted subsequent to the lifting of the ban in 21.02.2001. Under the aforementioned circumstances, the petitioner seeks for revision of seniority on par with her juniors, who have been promoted as Assistant from the post of Junior Assistant and Typist. The petitioner has given representations on 24.08.2020 and 28.12.2021, requesting for revision of seniority in the post of Assistant and Superintendent on par with her juniors and award promotion to the post of Personal Assistant to Conservator of Forest with effect from 01.03.2019. Since the representations have not been considered till date, this writ petition has been filed.



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4. No prejudice will be caused to the respondents if the petitioner's representation as stated supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the respondents to pass final orders on merits and in accordance with law, on the petitioner's representations dated 24.08.2020 and 28.12.2021, seeking for revision of seniority on par with her juniors who have been promoted as Assistant from the post of Junior Assistant and Typist, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While passing the final orders, the respondents shall give due consideration to the common order dated 29.08.2019 passed by this Court in a batch of writ petitions in W.P.No.29677 of 2012 etc. batch, in the case of *C. Pushpavalli Vs. The State of Tamil Nadu & others*. The copy of the aforementioned order passed by this Court is directed to be sent by the petitioner to the respondents for their consideration.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No



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To
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- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Environment Climate Change and Forests Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Department),
Guindy, Chennai – 600 032.



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ABDUL QUDDHOSE,J.

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