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W.P. No.30710 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30710 of 2022

G.Palani

...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 petitioners 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 17.06.2004 by considering the representation dated 09.05.2022 within time limit to be stipulated by this Court.



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For petitioner : Mr.S.Mani

For respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the 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 17.06.2004 by considering the petitioner's representation dated 09.05.2022 within a time frame to be fixed by this Court.

2. Mr.K.H.Ravikumar, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, this writ petition has been taken up for final disposal in the admission stage itself.

3. According to the petitioner, identically placed persons were granted notional promotion pursuant to the orders passed by this Court in W.P.No.35281 of 2019 dated 20.12.2019 and W.P.No.19027 of 2021



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dated 09.09.2021. According to him, if notional promotion is granted, he will be getting revised pension. In such circumstances, he has given a representation on 09.05.2022 to the respondents. Since the representation has not been considered, till date, he has filed this writ petition.

4. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondents.

5. No prejudice would be caused to any of the parties, if the petitioner is directed to give a fresh representation to the first respondent seeking for the relief as stated supra and the same is considered by the first respondent, on merits and in accordance with law, in the light of the orders passed in the aforementioned writ petitions, subject to its applicability.

6. For the foregoing reasons, this Court directs the petitioner to give a fresh representation to the first respondent seeking for grant of notional promotion as Forest Guard for the purpose of getting revised



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pension on par with his juniors by including his name in the panel drawn for the year 2003-2004 with effect from 17.06.2004. On receipt of the same, the first respondent is directed to pass final orders on merits and in accordance with law, on the said representation, within a period of twelve weeks from the date of receipt of a copy of this order. While considering the petitioner's representation, the first respondent is directed to give due consideration to the orders passed in W.P.No.35281 of 2019 dated 20.12.2019 and W.P.No.19027 of 2021 dated 09.09.2021 and decide as to whether the same is applicable to the case of the petitioner or not.

7. With the aforesaid directions, this writ petition is disposed of.

No costs.

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Index: Yes/No

Speaking Order/Non-Speaking Order



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To

1. The Secretary,
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Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
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ABDUL QUDDHOSE, J.

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