



W.P.No.31146 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31146 of 2022

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P.Vijayan

.. Petitioner

Vs.

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 Building,
Saidapet, Chennai-600 015.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to include the post of Forester for the year 2016-2017, give notional promotion to the petitioner to the post of Forester on par with their juniors (i.e.) 12.10.2020 without insisting for completion of Vaigam Dam Training within specified period on 15.08.2016 in the light of the order passed by this Court in W.P.No.1341 of 2015, dated 01.06.2015 and W.P.No.40881 of 2016, dated 22.11.2016, same was affirmed by Division Bench in W.A.No.2682 of 2019, dated 07.07.2021 and same was confirmed by the Supreme Court in S.L.P.(Civil) Diary No.(S).27674 of 2022, dated 26.09.2022 and W.P.No.12840 of 2017, dated 02.08.2021 with all consequential service and monetary benefits.

For petitioner : Mr.S.Mani

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For respondents: Dr.T.Seenivasan, Spl.G.P.

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ORDER

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Dr.T. Seenivasan, learned Special Government Pleader accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to include the petitioner for the post of Forester for the year 2016-2017 and give notional promotion to the petitioner to the post as a Forester on par with his juniors i.e. from 12.10.2020 without insisting for completion of Vaigai Dam Training within a specified period on 15.08.2016 in the light of the orders passed by this Court in W.P.No.1341 of 2015 dated 01.06.2015 and W.P.No.40881 of 2016 dated 22.11.2016 and affirmed by the Division Bench of this Court in W.A.No.2682 of 2019, dated 07.07.2021 and W.P.No.12840 of 2017, dated 02.08.2021 and upheld by the Supreme Court in SLP(Civil).Diary No.27674 of 2022, dated 26.09.2022, with all consequential service and monetary benefits.



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4. The petitioner claims that he is similarly placed with those of the petitioners, who had earlier approached this Court which resulted in the decisions referred to supra. In such circumstances, he has sought for the very same relief and has given a representation on 21.10.2022 requesting to include him for the post of Forester for the year 2016-2017. Since the representation has not been considered till date, he has filed this writ petition.

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

6. The learned Special Government Pleader appearing for the respondents submitted that it has to be examined whether the decisions referred to supra will apply to the case of the petitioner or not and therefore, only the representation of the petitioner if at all can be considered on merits and in accordance with law in the light of the aforesaid decisions.

7. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, in the light of the aforesaid decisions.

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8. For the foregoing reasons, this Court directs the petitioner to send a copy of the representation dated 21.10.2022 once again seeking to include him in the post of Forester for the year 2016-2017 and give notional promotion to the petitioner as a Forester on par with his juniors from 12.10.2020 without insisting for completion of Vaigai Dam Training, in the light of the order passed by this Court in W.P.No.1341 of 2015, dated 01.06.2015 and W.P.No.40881 of 2016, dated 22.11.2016 and affirmed by the Division Bench of this Court in W.A.No.2682 of 2019, dated 07.07.2021 and W.P.No.12840 of 2017, dated 02.08.2021 and upheld by the Hon'ble Supreme Court in SLP (Civil) Diary No.27674 of 2022, dated 26.09.2022, with all consequential service and monetary benefits, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents shall pass final orders on merits and in accordance with law, in the light of the aforementioned decisions subject to its applicability to the petitioner, within a period of three months thereafter.

9. With the aforesaid directions, this writ petition is disposed of. There shall be no order as to costs.

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To

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 Building,
Saidapet, Chennai-600 015.

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