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W.P.No.33067 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.33067 of 2022
and W.M.P.No.32475 of 2022

1.V.Periyasamy
2.Pazhamalai
3.M.Elumalai

.. Petitioners

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

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to include the post of Forester for the year 2011-2012, give notional promotion to the petitioners to the post of Forester on par with their juniors (i.e.) 13.04.2013 without insisting for completion of Vaigai Dam Training within specified period on 15.08.2016 in the light of the order passed by this Court in W.P.No.40881 of 2016 dated 22.11.2016



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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 S.L.P.(Civil) Diary No(s). 27674 of 2022 dated 26.09.2022 and W.P.No.27131 of 2022 dated 12.10.2022 with all consequential service and monetary benefits.

For Petitioner : Mr.S.Mani
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

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

2. Mr.Stalin Abimanyu, 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 petitioners for the post of Forester for the year 2011-2012 and give notional promotion to the petitioners to the post of Forester on par with their juniors from 13.04.2013 without insisting for completion of Vaigai Dam Training



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within a time frame to be fixed by this Court in the light of the order passed by this Court in 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 upheld by the Hon'ble Supreme Court in SLP No.27674 of 2022, dated 26.09.2022 with all consequential service and monetary benefits.

4. The petitioners claim that they are similarly placed with those of the petitioners, who had earlier approached this Court which resulted in the decisions referred to supra. In such circumstances, they have sought for the very same relief and have given a representation on 07.06.2022 requesting to include them for the post of Forester for the year 2011-12. Since the representation has not been considered till date, they have filed this writ petition.

5. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the respondents.

6. The learned Additional Government Pleader appearing for the respondents would submit that it has to be examined whether the



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decisions referred to supra will apply to the case of the petitioners or not and therefore, only the representation of the petitioners 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 petitioners' representation is considered on merits and in accordance with law in the light of the aforesaid decisions.

8. For the foregoing reasons, this Court directs the petitioners to send a copy of the representation dated 07.06.2022 once again seeking to include them in the post of Forester for the year 2011-12 and give notional promotion to the petitioners as Forester on par with their juniors from 13.04.2013 without insisting for completion of Vaigai Dam Training in the light of the order passed by this Court in 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 upheld by the Hon'ble Supreme Court in SLP 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,



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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 petitioners, within a period of three months thereafter.

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

No costs. Consequently, connected miscellaneous petition is closed.

07.12.2022

Index:Yes/No
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To

- 1.The Secretary to Government,
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- 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
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ABDUL QUDDHOSE,J.

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