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W.P. No.33522 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33522 of 2022

P.M.Venu

... 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 Building, 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 include the post of Forester for the year 2011-2012, give notional promotion to the petitioner 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 and the same was affirmed by Division Bench in W.A.No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Hon'ble Supreme Court in SLP (Civil) Diary No.27674 of 2022 dated 26.09.2022 and WP 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
AGP



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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. Mr.Stalin Abimanyu, learned Additional 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 2011-2012 and give notional promotion to the petitioner to the post as a Forester on par with his juniors from 13.04.2013 without insisting for completion of Vaigai Dam Training within a time frame to be fixed by this Court in the light of the orders passed by this Court passed by this Court in W.P.No.40881 of 2016 dated 22.11.2016 and the same was affirmed by Division Bench in W.A.No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Hon'ble Supreme Court in SLP (Civil) Diary No.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.



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4. The petitioner claims that he is similarly placed with those of others, 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 17.06.2022 requesting to include him for the post of Forester for the year 2011-12. 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 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 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.



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

8. For the foregoing reasons, this Court directs the petitioner to send a copy of the representation dated 17.06.2022 once again to the respondents seeking to include him in the post of Forester for the year 2011-12 and give notional promotion as a Forester on par with his 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, affirmed by the Division Bench in W.A.No.2682 of 2019 dated 07.07.2021 and confirmed by the Hon'ble Supreme Court in SLP (Civil) Diary No.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, 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 within a period of three months thereafter. Before passing final orders, the respondents shall give due consideration for the aforesaid decisions and decide as to whether the same is applicable to the case of the



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petitioner or not.

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9. With the aforesaid directions, this writ petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
sr

To

1. The Secretary,
Government of Tamilnadu,
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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ABDUL QUDDHOSE, J.

SR

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