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W.P. No.34535 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.34535 of 2022

1 M.Sanjeevarayan
2 K.Ramajayam

... Petitioners

Vs

1 Government of Tamil Nadu
Rep. by its Secretary
Environment and Forests Department
Fort St.George, Chennai-600 009.

2 The Principal Chief Conservator of Forests
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai-015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of 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 17.6.2004 and in the light of order passed by our Honorable High Court in W.P.No.15726 of 2016 dated 28.04.2016 and in W.P.No.27350 of 2022 dated 17.10.2022 by considering the representation dated 09.05.2022.

For Petitioner : Mr.S.Mani

For Respondents : Mr.Stalin Abyimanyu,
Additional Government Pleader



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ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr. Stalin Abimanyu, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider notional promotion to the petitioners as Forest Guard for the purpose of getting revised pension on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 17.06.2004 in the light of the order passed in W.P. No.15726 of 2016 dated 28.04.2016 and in W.P. No.27350 of 2022 dated 17.10.2022 based on the petitioners' representation dated 09.05.2022, within a time frame to be fixed by this Court.

4. According to the petitioners, identically placed persons were granted notional promotion pursuant to the orders passed by this Court in the aforementioned writ petitions. According to them, if notional promotion is granted, they will be getting enhanced pension. In such circumstances, they have given a representation on 09.05.2022 to the respondents. Since the representation has not been considered, till date, they have filed this writ petition.



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

6. No prejudice would be caused to the respondents, if the petitioners representation as stated supra is considered on merits and in accordance with law, in the light of the aforementioned orders subject to its applicability.

7. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioners' representation dated 09.05.2022 seeking for grant of notional promotion as Forest Guard for the purpose of getting revised pension on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 17.06.2004. While considering the petitioners' representation, the 1st respondent is directed to give due consideration to the order dated 28.04.2016 in W.P. No.15726 of 2016 and order dated 17.10.2022 in W.P. No.27350 of 2022 and decide whether the same is applicable to the case of the petitioners or not. The 1st respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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

23.12.2022

Index : Yes / No
Internet : Yes/ No
mrn

Note: W.M.P.No. 33982 of 2022, is ordered on payment of separate court fee, if not already paid, vide separate sheet.

To

- 1 The Secretary,
Environment and Forests Department,
Fort St.George, Chennai-600 009.
- 2 The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai-015.



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ABDUL QUDDHOSE, J.

(mrn)

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