



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3408 of 2020

M.Dharmalingam

... Petitioner

Vs.

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

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 600 015.

3.The District Forest Officer cum Deputy Director,
Mudhumalai Tiger Reserve,
Udhagamandalam - 643 001,
The Nilgiris.

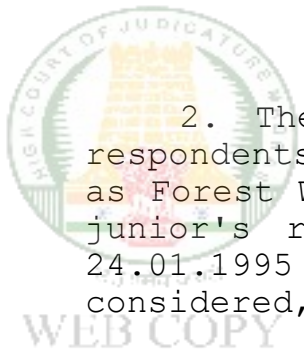
... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to appoint and observe petitioner as Forest Watcher or Mali with effect from the date of petitioner's junior's retrospective appointment on absorption in the date of 24.01.1995 as Forest Watcher on the basis petitioner's representation dated 09.05.2019, in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and W.P.No.9708 of 2014 dated 12.09.2014, SLP(C) No.12056 of 2015 Review dated 12.01.2017 and the Government Order (MS) No.8 of the 1st respondent dated 21.01.2019 with all consequential benefits.

For Petitioner : Ms.K.Jenitha for Mr.I.Kanna Patel
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

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



2. The petitioner herein had given a representation to the respondents on 09.05.2019 seeking to appoint and observe petitioner as Forest Watcher or Mali with effect from the date of petitioner's junior's retrospective appointment on absorption in the date of 24.01.1995 as Forest Watcher. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents, though he has made a representation, dated 09.05.2019, seeking to appoint and observe petitioner as Forest Watcher or Mali with effect from the date of petitioner's junior's retrospective appointment on absorption in the date of 24.01.1995 as Forest Watcher and on receipt of such representation the second respondent herein to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of twelve **(12)** weeks from the date of receipt of such representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.



2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 600 015.

3.The District Forest Officer cum Deputy Director,
Mudhumalai Tiger Reserve,
Udhagamandalam - 643 001,
The Nilgiris.

+1 CC to M/s.SPL.GP (SR-25064[F] dated 10/06/2022)

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08.06.2022

RD(24.06.2022) 3P 5C