



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3370 of 2019

V.Balakrishnan

... Petitioner

-VS-

1.The Principal Secretary,
Environment & Forests Department,
Government of Tamil Nadu,
Chennai-600 009.

2.The Principal Conservator of Forests,
No.1, Jennis Park, Panagal Maaligai,
Saidapet, Chennai-600 015.

3.The Chief Conservator of Forests,
Dindigul Circle, Dindigul.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to 1st respondent's Letter No.13264/FR.1/2018-2, dated 14.08.2018 and quash the same and to consequently direct the 1st respondent to grant notional promotion and retirement benefits for the petitioner to the post of Deputy Conservator of Forest upon acting on the promotion panel for the post of Deputy Conservator of Forest 2017-2018.

For Petitioner : Mr.R.Niresh Kumar(In both Wps)

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
assisted by Mr.M.Ramesh,
Government Advocate(In both Wps)

O R D E R

The order impugned dated 14.08.2018 states that pursuant to the orders passed by this Court in W.P.(MD) Nos.9028 and 9059 of 2018, dated 24.04.2018, the representation submitted by the writ petitioner was considered on merits and in accordance with law.



2.The Government provided a reason by stating that the petitioner attained the age of superannuation and retired from service on 31.12.2017. Deputy Conservator of Forests panel was approved in the Government Order on 12.01.2018, vide G.O.(2D) No.2, Environment and Forests Department and it is stated that no one including the junior to the petitioner had been promoted as Deputy Conservator of Forests prior to the retirement of the writ petitioner on 31.12.2017. Thus, the claim of the writ petitioner was rejected.

3.Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. All promotions are to be made strictly in accordance with the rules in force. Whenever an administrative decision is taken to prepare the panel, the names of all the eligible persons, who all are aspiring for promotion, are to be included and the approved list is to be finalised. In the present case, the petitioner retired from service on 31.12.2017 and the panel itself was approved on 12.01.2018, after the retirement of the writ petitioner. Further, it is contended that even in the said panel, which was published on 12.01.2018, the junior to the petitioner was not promoted to the post of Deputy Conservator of Forests. This being the factum, the petitioner has not ripened for promotion and therefore, the claim of the petitioner for promotion to the post of Deputy Conservator of Forests was rightly rejected by the 1st respondent and there is no infirmity in respect of the reasons furnished in the order impugned.

4.Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Environment & Forests Department,
Chennai-600 009.



2.The Principal Conservator of Forests,
No.1, Jennis Park, Panagal Maaligai,
Saidapet, Chennai-600 015.

3.The Chief Conservator of Forests,
Dindigul Circle, Dindigul.

+1 CC to M/s.SPL GP (SR-7778[F] dated 22/02/2022)

W.P.(MD) No.3370 of 2019
21.02.2022

MGJ(02.03.2022) 3P 5C