



W.P.(MD).No.15518 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.15518 of 2022

1.P.Rengaraj

2.K.Thangavel

3.V.Karuppasamy

4.P.Nagarajan

5.M.Muniyandi

6.V.Ramalingam

7.M.Mariyappan

8.G.Thottaiyasamy

9.K.Ammachi

10.S.Saminathan

11.M.Makali

12.K.Manickam

13.P.Murugesan

... Petitioners

Vs.



W.P.(MD).No.15518 of 2022

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai – 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai – 15.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to appoint the petitioners in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of their junior's appointment in the post of Forest Watcher on 24.01.1995 by considering their representation dated 26.11.2021 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP (Civil).No.12056 of 2015 dated 05.07.2016, W.P.No.15630 of 2021 and G.O. (2D)No.23, Environment, Climate Change and Forests (FR.2-II) Department dated 04.03.2022 with all consequential benefits within time frame.

For Petitioners	: M/s.K.Jenitha
For Respondents	: Mr.R.Suresh Kumar, Additional Government Pleader.



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioners herein had given a representation to the respondents on 26.11.2021 seeking for appointment in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of their junior's appointment. 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation dated 26.11.2021, in the light of the orders passed in W.P.No.9708 of 2014 dated 12.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP (Civil).No.12056 of 2015 dated 05.07.2016, W.P.No.15630 of 2021 dated 29.07.2021 and G.O.(2D)No.23, Environment, Climate Change and Forests (FR.2-(II)) Department dated 04.03.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners 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. There shall be no order as to costs.

18.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/TM



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To

- 1.The Secretary to Government,
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Environment and Forest Department,
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Chennai – 9.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
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M.S.RAMESH, J.

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