



W.P.(MD).No.16977 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16977 of 2022

C.Mahalingam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai – 600 009.

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

...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 and fix the seniority to the petitioner in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of petitioner junior's regularisation notionally on 31.01.1995 by considering the petitioner's representation dated 07.03.2022 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, 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 and



W.P.(MD).No.16977 of 2022

Letter No.21100/Fr.2(II) 2016-3, dated 06.03.2017 and Government Order in G.O.(2D).No.23 dated 04.03.2022 of the first respondent with all consequential benefits.

For Petitioner : Mr.I.Kanna Patel
For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

The petitioner herein, along with others, had given a representation to the respondents on 07.03.2022 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 his junior's regularisation notionally on 31.01.1995. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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.



W.P.(MD).No.16977 of 2022

3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 07.03.2022, 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

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

2.The Principal Chief Conservator of Forest,
Panagal Building,
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W.P.(MD).No.16977 of 2022

M.S.RAMESH, J.

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W.P.(MD).No.16977 of 2022

29.08.2022