



WP(MD)No.19159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19159 of 2022

K.Nagarajan

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep., by its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai -9.

2.The Principal Chief Conservator of Forest &
Head of Forests,
Panagal Building, Saidapet,
Chennai-15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint and fix the seniority of the petitioner's service notionally similar to junior most person as Plot Watcher on 01.07.1982, as Forest Watcher on 01.07.1992, consequently as Forest Guard on 01.07.2002 and Forester on 01.07.2012 in the light of G.O.(Ms).No.22 P & AR Department dated 28.02.2006 and as per the order passed in W.P(MD).No.5885 of 2008 dated 05.12.2008, Apex Court order SLP No. 19972/2009 dated 01.02.2010, G.O.(Ms).No.111, School Education (R1) Department, dated 09.05.2012, W.P.No.2650 of 2019 order dated 12.06.2019 and order made in W.P(MD).No.23025 of 2019 dated 12.02.2020 for the purpose of



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old pension by considering the petitioner's representation dated 30.04.2022 with all consequential arrear benefits from the petitioner's superannuation with interest within a time stipulated by this Court.

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

ORDER

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 30.04.2022 seeking for regularization on par with his junior, promotion and consequential benefits. 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



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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 first respondent herein to consider the petitioner's representation dated 30.04.2022 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.

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

23.08.2022

Index : Yes / No

Internet : Yes / No

Rmk



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M.S.RAMESH, J.

Rmk

TO:

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai -9.
- 2.The Principal Chief Conservator of Forest &
Head of Forests,
Panagal Building, Saidapet,
Chennai-15.

Order made in
W.P.(MD)No.19159 of 2022

Dated:
23.08.2022