



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.20301 of 2022

1.P.Pandiyan

2.S.Tamilselvan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. 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 to issue a writ of Mandamus, directing the respondents to appoint the petitioners, as regular time scale Forest Watchers taking into account of our seniority, on par with our juniors with effect from 24.01.1995 for the purpose of getting pension by considering our representation dated 23.09.2021 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 G.O(Ms) No.01, Environment and Forests (FR.2-II) Department dated 01.01.2021 with all consequential benefits within time frame.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader

O R D E R

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 23.09.2021 seeking to appoint the petitioners, as regular time scale Forest Watchers taking into account of our seniority, on par with our juniors with effect from 24.01.1995 for the purpose of getting pension. 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 respondents herein to consider the petitioners' representation dated 23.09.2021 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. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)

cp

To

1.The Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-9.

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

+1 CC to M/s.KJANITHA, Advocate (SR-41493[F] dated 30/08/2022)

+1 CC to M/s.SPL.GP (SR-42738[F] dated 02/09/2022)

W.P. (MD) No.20301 of 2022

30.08.2022

SI(03.10.2022) 2P 5C