



W.P.No.374 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.374 of 2023

S.Marappan

... Petitioner

Vs.

1.Government of Tamil Nadu,
rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road,
Saidapet,
Chennai – 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to fix correct seniority in the category of Forest Guard from date of joining as Forest Guard on 28.02.2011 instead of 28.02.2012 same was drawn by the second respondent by his order dated 06.12.2018 by considering the petitioner's objection dated 23.09.2019, 02.02.2021 and 08.02.2021 so as to enable to get Forester panel for the year 2018-19 drawn by the second



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respondent on 13.01.2021 on par with junior and pay monetary benefits from the date of joining as Forester Tamil Nadu Fundamental Rule 27(17).

For Petitioner : Mr.S.Mani

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to fix correct seniority in the category of Forest Guard from the date of joining as Forest Guard on 28.02.2011 instead of 28.02.2012 by considering the petitioner's objections dated 23.09.2019, 02.02.2021 and 08.02.2021 so as to enable him to get Forester panel for the year 2018-19, drawn by the second respondent on 13.01.2021 on par with his juniors and pay monetary benefits from the date of joining as Forester under Tamil Nadu Fundamental Rule 27(17).

3.The grievance of the petitioner is that though he was appointed as Forest Guard on 28.02.2011, which is reflected in the appointment order,



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erroneously the respondents have thereafter recorded that the petitioner was appointed on 28.02.2012. Therefore, he lost his seniority on account of the erroneous recording of the date of the petitioner's appointment in the service records by the respondents as 28.02.2012. The petitioner has given several objections/representations to the respondents to rectify the date of the petitioner's appointment as 28.02.2011 and has also requested the respondents to revise the seniority of the petitioner and also include his name for the promotion to the post of Forester. The last such objection/representation was given on 08.02.2021. Since the objections/representations have not been considered till date, he has filed this writ petition.

4.Heard Mr.S.Mani, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate, who accepts notice on behalf of the respondents.

5.The petitioner has filed documents along with this writ petition to substantiate his claim that he was appointed as a Forest Guard only on 28.02.2011 and not on 28.02.2012 as recorded by the respondents in their



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subsequent proceedings. The petitioner has given several objections/representations requesting the respondents to rectify the mistake and include his name in the seniority panel for his promotion as Forester. The last such objection/representation was given on 08.02.2021.

6.No prejudice would be caused to the respondents if the petitioner's objection/representation dated 08.02.2021 is considered, on merits and in accordance with law, within a time frame to be fixed by this Court.

7.For the foregoing reasons, this Court directs the second respondent to pass final orders, on merits and in accordance with law on the petitioner's objections/representations as stated supra seeking for rectifying his date of appointment as 28.02.2011 instead of 28.02.2012 and also for inclusion of his name in the seniority panel for the post of Forester, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the aforesaid direction, this writ petition stands disposed. No costs.

05.01.2023

vga

Index: Yes/No

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ABDUL QUDDHOSE, J

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