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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1234 of 2023

D.Rajamani

Petitioner

vs.

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

2.The Principal Chief Conservator of Forest and
Head of Forest Force,
Office of the Head of Forest Force,
Velachery Main Road,
Guindy, Chennai – 600 032.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to include the petitioner's name in the panel drawn for promotion to the post of Forester for the year 2011-2012 and give promotion to the petitioner in the post of Forester from the date on which the petitioner's junior was promoted on notional basis without insisting service qualification by relaxing the rules and regularize the service with all consequential service and monetary benefits within time frame.



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2

For Petitioner : Mr.L.Kanna Patel

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to include the name of the petitioner in the panel drawn for promotion to the post of Forester for the year 2011-12 and give promotion to the petitioner in the post of Forester from the date on which the petitioner's junior was promoted on notional basis without insisting for the service qualification and relaxing the Rules and thereby, regularize the Rules with consequential service and monetary benefits.

2.Heard Mr.I.Kanna Patel, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.

3.The petitioner in this case was appointed as Social Forestry Worker through Employment Exchange in the year 1983. His name was included in the Statewide seniority list and his Serial Number was 2882.

Thereafter, the petitioner was absorbed as Forest Watcher on 24.01.1995.



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The petitioner after rendering service retired after attaining superannuation on 31.12.2014.

4.The petitioner for the first time made a representation in the year 2022 with a request that his name must be included in the panel drawn for promotion to the post of Forester for the year 2011-12 and he must be given all consequential benefits.

5.In the considered view of this Court, the petitioner has retired from service in the year 2014 itself and what should have been claimed by the petitioner when he was in service, cannot be permitted to be claimed after retirement and that too after a long period of time. The orders that were relied upon by the learned counsel for the petitioner will not apply to the facts of the present case, since in none of those orders, there is any indication to show that the employees concerned had retired from service. An order can be taken as a precedent only based on the facts that were dealt with in the concerned order and it cannot be mechanically applied in all cases.

N. ANAND VENKATESH, J.



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6. This Court does not find any legal right for the petitioner to seek for the issue of writ of mandamus to the respondents and there are no merits in this writ petition and accordingly, this writ petition stands dismissed. No Costs.

20.01.2023**(1/2)**

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ssr

To

1. The Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Secretariat, Fort St. George,
Chennai – 600 009

2. The Principal Chief Conservator of Forest and
Head of Forest Force,
Office of the Head of Forest Force,
Velachery Main Road,
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