



WEB COPY



W.P.No.5665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5665 of 2023

P.Durai

...Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
Panagal Maligai,
Saidapet, Chennai – 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the national promotion to the petitioner as Forest Guard for purpose of getting revised pension on par with Juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 in the light of orders passed in W.P.No.35281 of 2019 dated 20.12.2019 and in W.P.No.19027 of 2021 dated 09.09.2021, by considering the representation dated 12.08.2022 of the petitioners with a time limit.



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For Petitioner : Mr.T.Dharani

For R1 and R2 : Mr.E.Sundaram
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 12.08.2022, seeking national promotion in the post of Forest Guard, on par with his juniors, with effect from 31.05.2004. 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



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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 second respondent herein to consider the petitioner's representation dated 12.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks 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 ordered. No costs.

24.02.2023

Index: Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

hvk

To

- 1.The Secretary to Government,
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Secretariat, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
Panagal Maligai,
Saidapet, Chennai – 600 015.

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