



WEB COPY



W.P.No.4291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4291 of 2023

1.K.Narayanan
2.M.Selvaraj

...Petitioners

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 Building, 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 include the Foresters panel for the year 2018-2019 and promote the petitioners as a Forester on par with their juniors with effect from 13.01.2021 as per revised seniority fixed by the 1st respondent in letter No.11970/FR.2(i)/2022-2 dated 19.07.2022 in the category of Forest guard, by considering the representation dated 05.08.2022 with all consequential service and monetary benefits.



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For Petitioner : Mr.S.Mani

For Respondents : M/s.P.Vijaya Devi

ORDER

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

2. The petitioners herein had given a representation to the respondents on 05.08.2022 seeking for promotion as Forester on par with their juniors, together with all consequential service and monetary 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



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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 respondents herein to consider the petitioners' representation dated 05.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 petitioners and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered.

No costs.

21.02.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

- 1.The Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai – 600 015.

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