



W.P.No.4271 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.4271 of 2023

R.Krishnamoorthy

...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 – 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 regularize the service of petitioner after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family pension in the light of Hon'ble Supreme Court judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and in the light of Order in W.P.No.19023 of 2021 dated 09.09.2021 and W.P.No.27299 of 2022 dated 17.10.2022 same was passed by the High



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Court confer all consequential pensionary benefits by the way of considering the representation to the respondents dated 18.03.2022.

For Petitioner : Mr.S.Mani

For Respondents : 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 18.03.2022 seeking for a direction to regularize his service from the date of initial appointment as Plot Watcher for the purpose of getting pensionary 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.



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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 first respondent herein to consider the petitioner's representation dated 18.03.2022 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 petitioner 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
hvk



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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 Maaligai, Jeenis Road,
Saidapet, Chennai – 600 015.

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