



WEB COPY



W.P.No.4860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4860 of 2023

V.Ramakrishnan

...Petitioner

Vs

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

2.The Principal Chief Conservator of
Forest & Head of Forest Force,
Forest Headquarters,
Velachery Main Road,
Guindy, Chennai – 600 032.

3.The District Forest Officer,
Gudalur Forest Division,
The Nilgiris.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fix the pay of the petitioner notionally on par with his junior in the post of Forest



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Watcher as per Rule 27(17) of Fundamental Rules with effect from the date of G.O.(2D).No.115, Environment, Climate Change and Forests (FR.2(ii) Department dated 10.08.2022 by considering his representation dated 08.01.2023 with all consequential benefits.

For Petitioner : Mr.V.Ramakrishnan

For Respondent : Mr.D.Ravichander
Special Government Pleader

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 representation to the second respondent on 08.01.2023, seeking regularization of service as Forest Watcher from 24.01.1995 notionally on par with his junior. Since the said representation was not considered, the present writ petition has been filed.



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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 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 to consider the petitioner's representation dated 08.01.2023, 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 respondents to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of.

No costs.

22.02.2023

Index:Yes/No

Speaking order/Non-speaking order
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To

- 1.The Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Forest Headquarters,
Velachery Main Road,
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- 3.The District Forest Officer,
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M.S.RAMESH,J.

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