



W.P.No.5392 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.5392 of 2023

E.Senthil Kumar

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Environment, Climate Change
and Forest Department,
Fort St.George, Chennai - 9.
- 2.The Principal Chief Conservator of Forests
(Head of Department) Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The Principal Chief Conservator
of Forests and Secretary,
Tamil Nadu Bio Diversity Board,
Velachery Main Road,
Chennai - 600 100.
- 4.The Divisional Forest Officer,
Social Forestry Division,
Chengalpet - 603 001.
- 5.The Chief Conservator of Forests
Forest Extension Division, Perambalur.



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6.The Forest Extension Officer,
Forest Extension Division, Nagapattinam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.3 to consider the petitioner's written representation dated 06.04.2022 and consequentially direct the respondents 1 and 2 to regularize the petitioner's service from the date of joining, that is 01.10.2001 with all consequential attendant benefits.

For Petitioner : Mrs.Thanga Vadhana Balakrishnan

For Respondents : M/s.E.Indhumathi
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 third respondent on 06.04.2022, seeking regularization of his service from the date of joining, together with all consequential benefits. 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 third respondent herein to consider the petitioner's representation dated 06.04.2022 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.



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5. With the above direction, the Writ Petition stands ordered. No costs.

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Index: Yes/No
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To

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M.S.RAMESH,J.

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