



W.P.No.5749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5749 of 2023

K.Jayaraman

...Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep. by the 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 -15.

...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 notional 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 20.10.2022 of the petitioner.

For Petitioner : Mr.T.Dharani



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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 20.10.2022, seeking to confer notional 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 Court will be justified in invoking its extraordinary powers under Article



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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 petitioner's representation dated 20.10.2022, 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.

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Index: Yes/No
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M.S.RAMESH,J.

hvk

To

- 1.The 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 -15.

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