



W.P.Nos.5778 and 5780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.5778 and 5780 of 2023

1.R.Annadurai	...Petitioner in W.P.No.5778 of 2023
2.G.Rathinavel	...Petitioner in W.P.No.5780 of 2023

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 - 600 015.	...Respondents in both WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue 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 W.P.No.19027 of 2021 dated 09.09.2021, by



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considering the representation dated 16.06.2022 of the petitioners with the time limit to be stipulated by this Court.

(In both WPs)

For Petitioners : M/s.T.Dharani

For Respondents : Mr.E.Sundaram
Government Advocate

COMMON ORDER

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

2. The petitioners herein had given representations to the respondents on 16.12.2022, seeking to confer notional promotion in the post of Forest Guard on par with their juniors with effect from 31.05.2004. Since the said representations were not considered, the present writ petitions have 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



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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 respondents herein to consider the petitioners' representations dated 16.12.2022, 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 petitioners and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the Writ Petitions stand 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.

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