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W.P.No.6856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6856 of 2023

M.Prabhu

... Petitioner

VS

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
Velachery Road, Guindy,
Chennai, Tamil Nadu - 600 032.

3.Additional Chief Conservator of Forest,
Arignar Anna Zoological Park, Vandalur,
Chennai - 600 048.

4.The Deputy Director,
Arignar Anna Zoological Park, Vandalur,
Chennai - 600 048.

5.The Wildlife Warden,
Wildlife Division, Chennai - 600 022.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to regularise the service of petitioners as driver from the date of initial appointment in the light of W.P.(MD) No.11106 of 2013 dated 12.07.2017 confirmed in W.A.(MD) No.686 of 2017, SLP.No.29276 of 2018 dated 04.09.2018 implemented vide G.O.Ms.No.03 Environment and Forest Department dated 11.01.2009 Order made in W.P. No.2650 of 2019 etc. dated 12.06.2019 for 10 Drivers similarly placed as that of the petitioner confirmed in Order made in W.A. No.391 of 2020 dated 13.03.2020 etc. as against W.P. No.2650 of 2019 etc., and implemented vide G.O.Ms.No.8 Environment and Forest [Fr.2.II] Department dated 22.01.2021.

For Petitioner : M/s.T.Dharani

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 third respondent on 17.10.2022, seeking for regularization of his service from



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the date of his initial appointment. 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 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 17.10.2021 in the light of G.O.Ms.No.03, Environment and Forest Department, dated 11.01.2009 and G.O.Ms.No.8, Environment and Forest [Fr.2.II] Department, dated 22.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks



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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.

03.03.2023

Index:Yes/No

Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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