



WEB COPY



W.P.No.6187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6187 of 2023
and W.M.P.No.6191 of 2023

1.P. Velusamy

2.R. Venkidusamy

3.T. Vellaisamy

... Petitioners

Vs.

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

2.The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai – 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the notional promotion to the petitioners as Forest Guard for purpose of getting revised pension on par with juniors by including their names in the panel drawn for the year 2003-2004 with effect from



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17.06.2004 and in the light of order passed by this Court in WP.No.15726 of 2016 dated 28.04.2016 and in WP.No.3387 of 2023 dated 08.02.2023 by considering the representation dated 09.05.2022 within time limit to be stipulated by this Court.

For Petitioners : Mr.S. Mani

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

Mr.Stalin Abhimanyu, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners herein have given representation on 09.05.2022 to the respondents, seeking to confer them notional promotion in the post of Forest Guard on par with their juniors. 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



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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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the first respondent herein, to consider the petitioners' representation dated 09.05.2022, in the light of the orders passed by this Court in WP.No.15726 of 2016 dated 28.04.2016 and in WP.No.3387 of 2023 dated 08.02.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 concerned respondent to consider the same on its own merits.



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M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands ordered. No costs. Connected miscellaneous petition is closed.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

1. Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai – 015.

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