



W.P.No.6181 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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1.M.Boominathan
2.K.Ulaganathan
3.S.Neelambu
4.C.Senthamarai
5.N.Kala
6.R.Ponnammal
7.S.Kumari
8.V.Palanimalai
9.V.Ulaganathan
10.P.Jaganathan

...Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary
to Government,
Environment, Climate Change and
Forest Department, Fort St.George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forest,
Head of Forest Force,
Velachery Main Road,
Guindy, Chennai – 600 032.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to regularize the Petitioners' service with effect from the date of initial appointment as Supernumerary Plot watcher and from the date of completion of ten years of service as Supernumerary Watcher notionally for the purpose of getting pension and family pension in the light of W.P(MD).No.2942 of 2011 and in W.A(MD).No.204 of 2013 Cont.P.(MD) No.1622 of 2015, W.P.No.19023 of 2021 order dated 09.09.2021 and G.O.(2D) No.172 Environment Climate Change and Forest (FR.2ii) Department, dated 03.11.2022 and confer all consequential service benefits by way of considering the petitioners' common representation dated 22.11.2022 within a time frame.

For Petitioners : Mr.I.Kanna Patel

For Respondents : Ms.M.Jayanthi,
Additional Government Pleader

ORDER

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

2. The petitioners herein had given a common representation to the respondents on 22.11.2022 seeking for a direction to regularize the petitioners' service with effect from the date of their initial appointment.



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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 first respondent herein to consider the petitioners' representation dated 22.11.2022 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



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petitioners and that it is open to the respondents to consider the same on its own merits.

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

02.03.2023

Index: Yes/No
Speaking order/Non-speaking order
hvk

To

1. The Additional Chief Secretary
to Government,
Environment, Climate Change and
Forest Department, Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forest,
Head of Forest Force,
Velachery Main Road,
Guindy, Chennai – 600 032.



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M.S.RAMESH,J.

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