



W.P.No.6671 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.6671 of 2023

- 1.C.Rajalingam
- 2.P.Balakrishnan
- 3.S.Simieon Raj
- 4.P.Govindasamy
- 5.P.Thangaraj
- 6.M.Madhu
- 7.K.P.Rajendran
- 8.K.Sambanthamurthy
- 9.N.Srinivasan
- 10.M.Sundarakumar

...Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment, Climate Change and
Forest Department, Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest &
(Head of Forests Force),
Joint Forest Management,
Velachery Main Road,
Guindy, Chennai – 600 032.

...Respondents



W.P.No.6671 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors with effect from 24.01.1995 for the purpose of getting pension by considering their representation dated 23.06.2022 in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and G.O.(2D) No.165 ECC & F(FR.2(ii)) Department, dated 20.10.2022 with all consequential service benefits within a time frame.

For Petitioners : M/s.K.Jenitha

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 23.06.2022 seeking for a direction to appoint them as regular time scale Forest Watchers, as per their seniority on par with their



W.P.No.6671 of 2023

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juniors, with effect from 24.01.1995. 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 23.06.2022 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



W.P.No.6671 of 2023

petitioners 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

To

- 1.The Secretary to Government,
Environment, Climate Change and
Forest Department, Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest &
(Head of Forests Force),
Joint Forest Management,
Velachery Main Road,
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W.P.No.6671 of 2023

M.S.RAMESH,J.

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W.P.No.6671 of 2023

03.03.2023