



WEB COPY



WA No.1327 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No. 1327 of 2022

V. Venkatesan

.. Appellant

Versus

1. The State of Tamil Nadu
Rep., by its Secretary to Government
Environment and Forest Department
Fort St.George, Chennai
2. The Principal Chief Conservator of Forest
Head of the Department
Panagal Building, Saidapet
Chennai – 15
3. The District Forest Officer
Attur Forest Division, Salem

.. Respondents

Appeal filed under Clause 15 of Letters Patent Act against the order dated 30.03.2022 made in W.P. No.7346 of 2022 on the file of this Court.

For Appellant : Mr. T. Dharani

For Respondents : Mr. S. Yashwanth
Additional Government Pleader



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J U D G M E N T

[Judgment of the Court was made by R. MAHADEVAN, J]

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This Writ Appeal has been filed to set aside the order of the learned Judge dated 30.03.2022 passed in W.P. No.7346 of 2022.

2. The petitioner in the Writ Petition is the appellant herein. He has filed the Writ Petition for a direction to the respondents to fix his seniority in the post of Forest Guard and consequently promote him to the post of Forest Guard with retrospective effect from the date of promotion of his immediate senior with all consequential benefits. The learned Judge dismissed the Writ Petition against which, the present Appeal is filed.

3. The learned counsel for the appellant submitted that though the appellant possessed adequate qualification and experience as early as on 19.01.1997, he was promoted to the post of Forest Guard only on 17.06.2004 and further promoted as Forester on 27.12.2011. Hence, the appellant made representation to the respondents to fix his seniority. However, the second respondent vide order dated 03.07.2017 has rejected the claim of the appellant stating that since the appellant's service in the post of Forest Watcher was not regularised during the time of drawal of selection list, he was not considered



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for promotion to the post of Forest Guard. However, the learned counsel for the appellant submitted that the appellant made representations to the first respondent and same have not been considered. Hence, he would submit that it would suffice if the pending representations of the appellant dated 04.05.2020 and 08.06.2020 be considered by the respondents on merits and in accordance with law within a time frame to be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no serious objection for such relief to be granted.

5. In view of the above, this Writ Appeal is disposed of, directing the respondents to consider the representations of the appellant dated 04.05.2020 and 08.06.2020 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this Judgment, after affording an opportunity of hearing to the parties concerned. No costs.

(R.M.D., J) (M.S.Q., J)

23.02.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

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Environment and Forest Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building, Saidapet,
Chennai – 15.
3. The District Forest Officer,
Attur Forest Division, Salem.



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R. MAHADEVAN, J
and
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