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W.P.No.13057 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13057 of 2023

M.S. Saminathan

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Additional Chief Secretary
to Government,

Environment, Climate Change and Forest Department,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator of Forests

(Head of Forest Force), Forest Headquarters,
Guindy-Velachery Main Road,
Near Kannigapuram Check Post,
Guindy, Chennai – 600 015.

3.Deputy Conservator of Forests,

Forest Genetics Division,
Bharathi Park Salai,
Coimbatore – 641 043.

4.The District Forest Officer,

Sathyamangalam Division,
Sathyamangalam – 638 402.

... Respondents



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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant notional increment and other benefits to the petitioner, from the relevant date in the year 2007 i.e., 20.07.2007 that would have accrued to the petitioner on such promotion of forester being granted to him on 20.07.2007 and other consequential benefits in view of recommendation made by the 4th respondent in Na.Ka.No.Pa1./9146/06 dated 21.06.2007 to refix the seniority list retrospectively.

For Petitioner : M/s.S. Vasavi Sridevi

For Respondents : Mr.P. Sanjay Gandhi,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to the respondents on 11.10.2006, seeking to rectify the error and revise the list by including his name in the seniority list for the promotion to the post of



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Forester. 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 respondents herein, to consider the petitioner's representation dated 11.10.2006 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any



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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 disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Additional Chief Secretary
to Government of Tamil Nadu,
Environment, Climate Change and Forest Department,
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M.S.RAMESH,J.

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