



WEB COPY



W.P.No.18795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18795 of 2023

G. Arunachalam

... Petitioner

Vs.

1. Government of Tamilnadu,
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.

3. The District Forest Officer,
Sathiyamangalam,
Erode Division.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents implementing the 3rd respondent proceedings in Na.Ka.No.567/95 p2 dated 31.01.1995 by the respondents to consider the notional Regularisation to the petitioner as forest watcher for purpose of getting old pension scheme same was done in respect of other plot watcher with effect from 31.01.1995 by considering the representation dated 09.04.2022 within time limit to be stipulated by this Court.



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For Petitioner : Mr.S. Mani

For Respondents : Mr.P. Baladhandayutham,
Special Government Pleader

ORDER

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

2. The petitioner herein had given representation to the first and second respondents on 09.04.2022, requesting to implement the third respondent's proceedings dated 31.01.1995 for considering the notional regularization to the post of Forest Watcher, so as to enable to get pension under old pension scheme. 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



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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 and second respondents herein, to consider the petitioner's representation dated 09.04.2022, 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 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.

23.06.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Secretary to Government of Tamilnadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai – 015.
- 3.The District Forest Officer,
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