



W.P.No.18477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18477 of 2023

1.A.Lourdusamy
2.M.Srinivasan
3.V.Rajaram
4.R.Damodharan
5.M.Venkatesan

...Petitioners

Vs

1.Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai – 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the notional promotion to the petitioners as Forest Guard for purpose of getting revised pension on par with juniors by including their name in the panel drawn for the year 2003-2004 with effect from 17.06.2004 and in the light of order passed by this Court in W.P.No.15726 of 2016 dated



W.P.No.18477 of 2023

28.04.2016 and in W.P.No.3387 of 2023 dated 08.02.2023 by considering the representation dated 09.05.2022 within a stipulated time.

For Petitioners : Mr.S.Mani

For Respondents : Mr.S.Rajesh
Government Advocate

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 representation to the respondents on 09.05.2022 seeking notional promotion as Forest Guard on par with their juniors by including their name in the panel for the year 2003-2004. 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



W.P.No.18477 of 2023

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 petitioners' representation dated 09.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 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.

21.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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W.P.No.18477 of 2023

M.S.RAMESH,J.

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To

- 1.The Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai – 600 015.

W.P.No.18477 of 2023

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