



W.P.No.18976 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18976 of 2023

- 1.R.Vediyappan
- 2.C.Subramani
- 3.D.Ayyanar
- 4.V.Palayam
- 5.S.Seetharaman
- 6.S.Maruthaiya
- 7.M.subbarayan
- 8.K.Balasundaram
- 9.C.Subramaniyan
- 10.R.Elumalai
- 11.V.Subbarayan
- 12.C.Jagadesan
- 13.L.Selvaraj

...Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment, Climate Change and
Forest Department,
Fort St. George, Chennai – 9.
- 2.The Principal Chief Conservator of Forest
and Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy, Chennai – 32.

...Respondents



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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 in the cadre post of Forest Watcher by giving the benefit of relaxation of rule 5 of the TNFSS Rules with respect to height with effect from the date of their junior's appointment in the post of Forest Watcher on 24.01.1995 by considering our representation dated 06.01.2023 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014, W.P.No.15474 of 2021 dated 27.07.2021, W.A.No.1838 & 1839 of 2018 dated 11.08.2021, G.O.[2D].No.48, Environment, Climate Change and Forests [FR.2-II] Department dated 07.04.2022, G.O.[2D]/Mp/58, Environment, Climate Change and Forests [FR.2-II] Department dated 20.04.2022, G.O.[2D].No.67, Environment, Climate change and Forests [FR.2-II] Department dated 27.04.2022 and G.O.[2D] No.155, Environment, Climate Change and Forests [FR.2-II] Department dated 26.09.2022 with all consequential benefits within the time frame.

For Petitioners : Mr.K.Jenitha

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.



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2. The petitioners seek a direction to the respondents to appoint them as Forest Watchers, with effect from the date of their junior's appointment as Forest Watcher on 24.01.1995. In this regard, the petitioners had jointly given a representation to the respondents on 06.01.2023. Since the same has not yet been 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 him 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 the Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representation



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dated 06.01.2023, 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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

27.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

hvk



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To

- 1.The Secretary to Government,
State of Tamil Nadu,
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Forest Department,
Fort St. George, Chennai - 9.
- 2.The Principal Chief Conservator of
Forest & Head of Forest Force,
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M.S.RAMESH,J.

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