



WEB COPY



W.P.No.18966 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.18966 of 2023

1.P.Gopal
2.P.Asokan
3.A.Krishnan
4.P.Gopal
5.G.Ramamoorthy
6.P.Radha
7.C.Ayyamuthu
8.K.Sellappan

... 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,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai - 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the notional promotion to the petitioners as Forest Guard for the purpose of getting revised pension on par with juniors by including their names in the



W.P.No.18966 of 2023

panel drawn for the year 2003-2004 with effect from 31.05.2004 and in the light of order passed by our honourable High Court in WP.No.15726 of 2016 dated 28.04.2016 and in WP.No.3387 of 2023 dated 08.02.2023 by considering the representation dated 09.05.2022.

For Petitioners : Mr.S.Mani

For Respondents : Mr.P.Gurunathan,
Additional 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 petitioners herein had given representation to the respondents on 09.05.2022, seeking further promotion as Forest Guard retrospectively, 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 him to consider the same on its own merits and pass appropriate orders in one way



W.P.No.18966 of 2023

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 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 respondent 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 (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 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/Non-speaking order
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W.P.No.18966 of 2023

M.S.RAMESH,J.

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To

- 1.The Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai - 600 032.

W.P.No.18966 of 2023

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