



W.P.No.22530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22530 of 2023

1. N.Ramachandran
2. M.Lakshmi
3. T.Muthurasu

... Petitioners

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,
[Head of Forest Force],
Velachery Main Road, Guindy,
Chennai – 600 032.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records order passed by the second respondent in Na.Ka.No. AAa1/ 2605/ 2023 dated 8.05.2023 and quash the same and further direction directing the first respondent to include the post of Forester for the year 2011- 2012 give notional promotion to the petitioners to the post of Forester on par with their juniors (i.e.) 18.04.2013 without insisting for completion of



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Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Court in WP No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A. No. 2682 of 2019 dated 7.07.2021 and same was confirmed by the Supreme Court S.L.P. (Civil) Diary No. (S) 27674 of 2022 dated 26.09.2020.

For petitioners : Mr.S.Mani

For Respondents : Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.S.Arumugam – R1 & R2

ORDER

This Writ Petition has been filed to quash the impugned order passed by the second respondent dated 8.05.2023 and to direct the first respondent to include the post of Forester for the year 2011- 2012 give notional promotion to the petitioners to the post of Forester on par with their juniors (i.e.) 18.04.2013 without insisting for completion of Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Court in WP No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A. No. 2682 of 2019 dated



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7.07.2021 and same was confirmed by the Supreme Court S.L.P. (Civil)

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Diary No. (S) 27674 of 2022 dated 26.09.2020.

2. The case of the petitioners is that their name were not included in the promotion panel for the year 2011-2012. It is submitted by both sides that for similarly situated persons the same has been implemented and the SLP filed against the said order has also been dismissed. Hence, seeks a direction to the respondents to include their name in the panel for promotion.

3. The only contention of the learned Additional Advocate General is that the petitioners have not undergone training at Vaigai Dam. Therefore, now their request cannot be considered.

4. It is relevant to note that this Court in an identical case in W.P.No.40881 of 2016 by an Order dated 22.11.2016 has held that the petitioners have not been deputed to Vaigain Dam Training for a long time and if the department fails to post them at a particular place for



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training, the employee could not be blamed for the same and hence, directed the the respondents to include the name of the petitioner in the panel for the year 2011-2012 and promote them as Foresters from the date on which their juniors were promoted on notional basis. The appeal filed against the said Order in W.A.No.2682 of 2019 has been dismissed by the Division Bench of this Court by an Order dated 07.07.2021. It is to be noted that the petitioners have already completed 58 years and they in the verge of retirement. It is also to be noted that they are already in the Forest, and the training for the petitioners can be dispensed with. In such view of the matter, the benefit of the above Order has to be extended to the petitioners and the impugned Order has to be quashed.

5. Accordingly, the impugned Order is quashed and the respondents are directed to include the name of the petitioners in the panel for the year 2011-2012 and promote them as forester from the date on which their juniors were promoted on notional basis within a period of four weeks from the date of receipt of a copy of the Order.



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6. With the above directions, this Writ Petition is allowed. No costs.

04.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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,
[Head of Forest Force],
Velachery Main Road, Guindy,
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N.SATHISH KUMAR, J.

VTC

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