



W.P.No.22444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22444 of 2023

A.Neelakandan

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by its Additional Chief 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 for issuance of a Writ of Mandamus to direct 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 31.05.2004 and in the light of order passed by this Court in W.P.No.27407 of 2022, dated 14.10.2022, by considering the representation dated 14.10.2022, within time limit to be stipulated by this Court.



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For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed to direct 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 31.05.2004 and in the light of order passed by this Court in W.P.No.27407 of 2022, dated 14.10.2022, by considering the representation dated 14.10.2022, within the time limit to be stipulated by this Court.

2.It is the case of the petitioner that he joined the Forest Department as Plot Watcher on 07.01.1986 on daily wage basis. Thereafter, pursuant to the orders of this Court in W.P.No.3494 of 2021, dated 23.02.2021, the services of the petitioner was regularized in the post of Forest Watcher with effect from 24.01.1995 on par with his juniors. It is the grievance of the petitioner that, though his juniors were promoted to the post of Forest Guard on 31.05.2004, the petitioner was promoted to the post of Forest Guard only on 10.08.2018. Therefore, the petitioner



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submitted his representation to the respondents on 14.10.2022 seeking notional promotion retrospectively with effect from 31.05.2004, i.e., the date on which his juniors were promoted to the post of Forest Guard, and for revised monetary benefits. Since no action has been taken by the respondents, the present writ petition has been filed.

3.It is the main contention of the learned counsel for the petitioner that, when the petitioner's services have been regularized with effect from 24.01.1995 in the post of Forest Watcher on par with his juniors and his seniority was also re-fixed by placing him over and above the juniors, the petitioner is entitled to the promotion to the post of Forest Guard with effect from 31.05.2004, i.e., the date on which his juniors were promoted.

4.Mr.S.Arumugam, learned Government Advocate, takes notice for the respondents.

5.Considering the facts and circumstances of the case, this Court directs the respondents to consider the representation of the petitioner, dated 14.10.2022, and pass appropriate orders, on merits and in



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accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

31.07.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

- 1.The Additional Chief Secretary,
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,
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