



W.P.No.27244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27244 of 2023

M.Vijayakumaran

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Additional Chief Secretary,
Environment and Forest Department,
Fort St.George,
Chennai-600009.

2.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velacherry Main Road, Guindy,
Chennai – 600032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to include the petitioner name in the post of Forester for the year 2011-2012, give promotion to the petitioners to the post of Forester on par with his 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 W.P.No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A.No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Supreme Court S.L.P.(Civil) Diary No.(S).27674 of 2022 dated 26.09.2022 and with all consequential services and monetary benefits.

For Petitioner :

Mr.S.Mani

For Respondents :

Mr.R.Neelakandan,

Additional Advocate General assisted by
Mr.S.Arumugham,
Government Advocate



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ORDER

This Writ Petition has been filed to direct the respondents to include the petitioner's name in the post of Forester for the year 2011-2012 and give promotion to the petitioners to the post of Forester on par with his 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 W.P.No.40881 of 2016 dated 22.11.2016 and the same was affirmed by the Division Bench of this Court in W.A.No.2682 of 2019 dated 07.07.2021 and the same was confirmed by the Hon'ble Supreme Court in S.L.P.(Civil) Diary No.(S).27674 of 2022 dated 26.09.2022 and with all consequential services and monetary benefits.

2.The case of the petitioner is that his name was 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 his name in the panel for promotion.



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3.The only contention of the learned Additional Advocate General is that the petitioner has not undergone training at Vaigai Dam. Therefore, now his 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 Vaigai Dam Training for a long time and if the department fails to post them at a particular place for training, the employee could not be blamed for the same and hence, directed 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 petitioner has already completed 58 years and he is in the verge of retirement. It is also to be noted that he is already in the Forest, and the training for the petitioner can be dispensed with. In such view of the matter, the benefit of the above Order has to be extended to the petitioner.



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5. Accordingly, the respondents are directed to include the name of the petitioner in the panel for the year 2011-2012 and promote him as Forester from the date on which his juniors were promoted on notional basis within a period of four weeks from the date of receipt of a copy of the Order.

6. With the above direction, this Writ Petition is disposed of. No costs.

19.09.2023
(¹/₄)

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai-600009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velacherry Main Road, Guindy,
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N.SATHISH KUMAR, J.

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