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W.P.No.27248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27248 of 2023

1.K.Narayanan

2.M.Selvaraj

... Petitioners

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 – 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records order passed by the 2nd respondent in Na.Ka.No.AAa1/12855/2023 dated 11.05.2023 and quash the same and further direction directing the 1st 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 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).No.27674 of 2022 dated 26.09.2022 with all consequential service and monetary benefits.



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For Petitioners : Mr.S.Mani
For Respondents : Mr.R.Neelakandan,
Additional Advocate General assisted by
Mr.S.Arumugham,
Government Advocate

ORDER

This Writ Petition has been filed to quash the impugned order passed by the 2nd respondent in Na.Ka.No.AAa1/12855/2023 dated 11.05.2023 and direct the 1st respondent to include the petitioners' name in the post of Forester for the year 2011-2012 and 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 W.P.No.40881 of 2016 dated 22.11.2016 and the same was affirmed by Division Bench 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).No.27674 of 2022 dated 26.09.2022 with all consequential service and monetary benefits.

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



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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 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 petitioners have already completed 58 years and they are in the verge of



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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, dated 11.05.2023 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.

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

19.09.2023

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

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To



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N.SATHISH KUMAR, J.
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