



W.P.No.29183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29183 of 2023

1.S.Murugaiah
2.S.Sudalimuthu

...Petitioners

Vs

1.Government of Tamil Nadu,
Rep 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,
Vhennai-600 032.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the notional promotion to the petitioners as Forest Guards for the purpose of getting revised pension on par with juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004 and in the light of the order passed by Hon'ble High Court in W.P.No.15726 of 2016 dated 28.04.2016 and in the light of order passed by this Court in W.P.No.18966 of 2023 dated 27.06.2023 by considering the representations dated 20.01.2023 and 21.04.2023 within the time stipulated by this Court.



For Petitioners : Mr.S.Mani
For Respondents : Mr.M.Bindran
AGP

ORDER

Heard Mr.S.Mani, learned counsel for the petitioners and Mr.M.Bindran, learned Additional Government Pleader for the respondents. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioners herein have given representations to the respondents on 20.01.2023 (S.Sudalimuthu) and 21.04.2023 (S.Murugaiah), seeking for a direction to consider the notional promotion to the petitioners as Forest Guards for the purpose of getting revised pension on par with juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004. Since the said representations were 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 the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-



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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 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 respondents herein to consider the petitioners' representations dated 20.01.2023 (S.Sudalimuthu) and 21.04.2023 (S.Murugaiah) on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.,

SR

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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