



WEB COPY



W.P.No.32173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32173 of 2023

M. Mari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
Velachery Rd, Guindy, Chennai, Tamil Nadu – 600 032.
- 3.The District Forest Officer,
Chengalpattu District.
- 4.The Forest Range Officer,
Chengalpattu Range,
Chengalpattu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the seniority list and to regularise the petitioner's service in the supernumerary post of Plot Watcher as per G.O.Ms.No.95



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Environment and Forest Department dated 07.08.2009, G.O.Ms.No.202, Environment and Forest (FR2) Department, dated 18.12.2013 and G.O.(2Pa)No.13, Environment and Forests (FR2-II) Department dated 26.03.2018 with all consequential service and monetary benefits.

For Petitioner : Ms.T. Dharani

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given representation to the second respondent on 24.01.2022, seeking for inclusion of his name in the seniority list and to regularise his service in the supernumerary post of Plot Watcher. Since the said representation has not been considered till date, 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 them to consider the same on its own merits and pass appropriate orders in one way



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or other, instead of keeping the same pending indefinitely. As such, non-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 petitioner's representation dated 24.01.2022, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

09.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
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