



W.P.No.32278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32278 of 2023

1. Mr.V.Elumalai
2. B.Andrews
3. C.Kumar
4. K.Krishnan

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government
Environment, Climate Change and Forest Department
Fort St.George
Chennai – 9
2. The Principal Chief Conservator of Forest & Head of Forests
Velachery Main Road, Guindy
Chennai – 32

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularize the petitioner service as Forest Watcher with effect from the date of the petitioner juniors service regularisation on 24.01.1995 to 08.03.1999 by considering the petitioner representation dated 22.11.2022



W.P.No.32278 of 2023

in the light of the order passed in W.P.No.27598 of 2011 dated 05.02.2013, proceedings in Ref.No.LL2/54670/2011 dated 28.09.2023, W.P.No.21574 of 2021 dated 06.10.2021 and G.O (2D) No.96, Environment, Climate Change and Forest (FR.2 (ii) Department 08.07.2022 and G.O (2D) No.124 Environment, Climate Change and Forest (FR 2(ii) Department, 17.08.2022 with all consequential benefits within time frame as fixed by this Court.

For Petitioner : Mr.I.Kanna Patel

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

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

2. The petitioner herein had given a representation to the respondents on 22.11.2022, seeking regularization of services from the date of petitioner's juniors service regularisation on 21.01.1995 with all consequential benefits. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.No.32278 of 2023

WEB COPY

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 on him 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-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 the Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.11.2022 and pass appropriate orders in accordance with law, within a period of eight (8) 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

M.S.RAMESH,J.



WEB COPY



W.P.No.32278 of 2023

gpa

5. With the above direction, the Writ Petition stands disposed of.

No costs.

10.11.2023

(¹/₂)

Index:Yes/No

Speaking order/Non-speaking order

gpa

To

1.TheAdditional Chief Secretary to Government
Environment, Climate Change and Forest Department
Fort St.George
Chennai – 9

2. The Principal Chief Conservator of Forest & Head of Forests
Velachery Main Road, Guindy
Chennai – 32

W.P.No.32278 of 2023