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W.P.No.32273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32273 of 2023

P.Murugan
S/o.Palar

...Petitioner

Vs

1. The Union of India
Rep. by its Secretary to Government
Environment, Forest and Climate Change Department
Indira Paryavaran Bhawan, Jor Bagh
New Delhi-110 003.
 2. The Union of India
Rep. by its Secretary to Government
Department of Pension and Pensioners Welfare
Lok Nayak Bhavan Khan Market
New Delhi.
 3. The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government
Environment, Climate Change and Forest Department
Fort St.George
Chennai-9.
 4. The Principal Chief Conservator of Forest & Head of Forests
Velachery Main Road
Guindy, Chennai-32.
- ...Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to Regularize and absorb the petitioner's service as Supernumerary Anti Poaching Watcher from the date of initial appointment on the basis of similar person seniority in the light of the order made in G.O (2D).No. 172 Environment, Climate change and Forest (FR. 2ii) Department Dated 03.11.2022 and to provide Special Pension of Rs.6750/- in the light of the order made in W.P. (MD) No. 20478 of 2022 dated 01.09.2022 by considering the claim on the basis of his Representation dated 27.04.2023 within time frame as fixed by this Honble Court.

For Petitioner : Mr.I.Kanna Patel
For Respondent : Ms.P.J.Anitha
Central Government Standing Counsel
Mr.P.Ganesan
Government Advocate
for R3 & R4

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 a representation to the respondents on 22.11.2022 and 27.04.2023, seeking for inclusion of his name in the State Wide Seniority List of Anti Poaching Watcher and regularize his service in the regular time scale of pay. Since the said



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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 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 representations dated 22.11.2022 and 27.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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 petitioner and that it is open to the concerned respondent to



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consider the same on its own merits.

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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

Neutral Citation : Yes/No

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To

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M.S.RAMESH,J.

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