



W.P.No.32299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32299 of 2023

R.Kumar
S/o.Raman

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. by Additional Chief Secretary to Government
Environment and Forest Department
Secretariat, Fort St.George
Chennai-9.
2. The Principal Chief Conservator of Forests
(Head of Forest Force)
Guindy - Velacherry Main Road
Kannigapuram Check Post, Guindy
Chennai-32.
3. The Chief Wildlife Warden
Panagal Building
Saidapet, Chennai-15.
4. The Conservator of Forest and Field Director
Kalakad Mundandurai Tiger Reserve
Tirunelveli.
5. The Deputy Director Wildlife Warden
Project Tiger, Mukkudal Road
Ambasamudram - 627 401.

...Respondents



W.P.No.32299 of 2023

WEB COPY Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to issue suitable clarification as sought for by the 5th respondent in C.No.E3/212/2023 dated 01.03.2023 with regard to the appointment of the petitioner to the post of Anti-Poaching Watcher, Ambasamudram in the Special Time Scale of Pay with all attendant benefits as per G.O.Ms.No.237 dated 30.12.2022, Environment, Climate and Forests (FR2-II) Department and in the light of Rule 2-A of the Tamil Nadu Forest Sub-ordinate Service Rules and order dated 05.04.2018 passed by this Court in W.A.Nos.354 and 355 of 2016.

For Petitioner : Mr.R.Chandra Sudan
For Respondent : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Mandamus directing the 2nd respondent to issue suitable clarification as sought for by the 5th respondent in C.No.E3/212/2023 dated 01.03.2023 with regard to the appointment of the petitioner to the post of Anti-Poaching Watcher, Ambasamudram in the Special Time Scale of Pay with all attendant benefits as per G.O.Ms.No.237 dated 30.12.2022,



W.P.No.32299 of 2023

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Environment, Climate and Forests (FR2-II) Department and in the light of Rule 2-A of the Tamil Nadu Forest Sub-ordinate Service Rules and order dated 05.04.2018 passed by this Court in W.A.Nos.354 and 355 of 2016.

2. The petitioner herein has given a representation to the fifth respondent on 13.09.2023, seeking to appoint him to the post of Anti-Poaching Watcher, Ambasamudram in the special time scale of pay with all attendant benefits. 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 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



W.P.No.32299 of 2023

to the respondents herein, to consider the petitioner's representation dated 13.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 consider the same on its own merits.

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

No costs.

14.12.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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M.S.RAMESH,J.



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W.P.No.32299 of 2023

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