



WEB COPY



W.P.No.33618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33618 of 2023

1. K.Arokiyadoss
S/o.Kabariyel
 2. P.Kumaresan
S/o.Panchatcharam
- ...Petitioners

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Environment, Climate Change and Forest Department
Fort St.Geroge
Chennai-9.
 2. The Principal Chief Conservator of Forest &
Head of Forest Force
Joint Forest Management
Velachery Main Road
Guindy, Chennai-32.
 3. The Assistant Conservator of Forests
State Forest Research Center
Kolapakkam
Chennai-127.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the 3rd respondent to send the



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revised pension proposal by taking the regular service with effect from 08.03.1999 along with 50% of the temporary service as per G.O.(2D) No.110, Environment, Climate Change and Forests (FR.2-(ii)) Department dated 04.08.2022 by considering the petitioner's representation dated 08.01.2023 with all consequential benefits within a time frame.

For Petitioners : Ms.K.Jenitha
For Respondents : Mr.V.P.R.Elamparathi
Additional Government Pleader

ORDER

Mr.V.P.R.Elamparathi, learned Additional Government Pleader accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners herein has given a representation to the respondents on 08.01.2023, seeking to send the revised pension proposal by taking the regular service with effect from 08.03.1999 along with 50% of the temporary service as per G.O.(2D)No.110, Environment, Climate Change and Forests (FR.2-(ii)) Department dated 04.08.2022. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 petitioners' representation dated 08.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three 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 petitioners 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.



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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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