



W.P.No.35196 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35196 of 2023

A.Sundaramurthy

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Environment, Climate Change and Forest Department
Fort St.George
Chennai – 9
2. The Principal Chief Conservator of Forest and
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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to send the revised pension proposal by taking the regular service with effect from



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24.01.1995 along with 50% of the temporary service as per G.O.(2D) No.58, Environment, Climate Change and Forests (FR.2-(ii) Department dated 20.04.2022 by considering the petitioner's representation dated 08.01.2023 with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha

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 admission stage itself.

2. Heard Ms.K.Jenitha, learned counsel for the petitioner and Mr.P.Ganesan, learned Government Advocate, who accepts notice for the respondents.

3. The petitioner herein had given a representation to the third respondent on 08.01.2023 to send the revised pension proposal by taking the regular service with effect from 24.01.1995 along with 50% of the temporary service as per G.O.(2D) No.58, Environment, Climate Change and Forests (FR.2-(ii) Department dated 20.04.2022 with all



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consequential benefits within a time frame. Since the said representation was not considered by the second respondent, the present writ petition has been filed.

4. 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 the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 08.01.2023, on its own merits and pass appropriate orders in accordance with law within a period of eight 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



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the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

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Index:Yes/No
Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

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