



W.P.No.34447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.S. Murugan
- 2.R. Ramachandran
- 3.K. Packiyasamy
- 4.C. Durairaj
- 5.G. Balasundaram
- 6.V. Chinnaiyan
- 7.A. Ganesan
- 8.A. Dhatchnamoorthy
- 9.R. Durairaj
- 10.C. Senthamarai

... Petitioners

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 Forest Force,
Velachery Main Road, Guindy,
Chennai – 32.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize and fix the pay of the petitioners service in the cadre of Forest Watcher notionally from 08.03.1999 for the purpose of getting pension/family pension by relaxing the rules and cancelling the rejection orders on par with the petitioners junior's service regularization on 24.01.1995 or 08.03.1999 by considering the petitioners common representation dated 04.08.2023 in the light of the order passed in WP.No.27598 of 2011 dated 05.02.2013, Proceedings in Ref.No.LL2/54670/2011 dated 28.09.2013, WP.No.31208 of 2019 dated 06.11.2019, WP.No.21627 of 2021 dated 07.10.2021 complied in G.O.(2D)No.124, Environment, Climate Change and Forest (FR.2(ii) Department, 17.08.2022 and G.O.(2D)Nos.126 & 127, Environment, Climate Change and Forest (FR.2(ii)) Department, 03.06.2023 respectively with all consequential benefits, within time frame as fixed by this Court.

For Petitioners : Mr.I. Kanna Patel

For Respondents : Mr.M. Bindran,
Additional Government Pleader



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ORDER

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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 have given a common representation to the respondents on 04.08.2023, seeking to appoint them as Forest Watcher with effect from the date of junior's appointment as Forest Watcher. 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioners' common representation dated 04.08.2023, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) 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.

No costs.

12.12.2023

Index:Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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



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M.S.RAMESH,J.

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