



W.P.No.34436 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.P. Gurusivan
- 2.M. Sundararaj
- 3.K. Muthu
- 4.K. Kalimuthu
- 5.P. Vijayalakshmi
- 6.P. Jaganathan
- 7.K. Ulaganathan
- 8.A. Ammapillai
- 9.M. Leelamma

... Petitioners

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.



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3. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St. George,
Chennai, Tamil Nadu State – 600 009.

4. The Principal Chief Conservator of Forest &
Head of Forests,
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu State – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioners service by relaxing the rules notionally as Supernumerary Plot Watcher from the date of initial appointment on the basis of the similar persons seniority in the light of the order made in G.O.(2D)No.91, Environment, Climate Change and Forest (FR-2ii) Department dated 30.06.2022, G.O.(2D)Nos.126 & 127, Environment, Climate Change and Forest (FR.2(ii) Department, 03.06.2023 and W.P.(MD).No.20478 of 2022 dated 01.09.2022 to provide special pension of Rs.6750/- by extending the benefit of G.O.Ms.No.336 Finance (Pay Cell) Department, dated 14.11.2017 (or) 50% of the last pay drawn by the petitioners by consider the claim and allow on the basis of petitioners common representation dated 24.07.2023 within time frame



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as fixed by this Court.

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For Petitioners : Mr.I. Kanna Patel
For R1 & R2 : Dr.G. Babu,
Senior Panel Counsel
For R3 & R4 : Mr.M. Bindran,
Additional Government Pleader

ORDER

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 24.07.2023, seeking to regularize their services with effect from the date of initial appointment in time scale of pay of supernumerary Plot Watcher for the purpose of getting pension and family pension. 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



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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' common representation dated 24.07.2023, 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.



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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

- 1.The Secretary to Government,
Union of India,
Environment, Forest and Climate Change Department,
Indira Paryavaran Bhawan, Jor Bagh,
New Delhi – 110 003.
- 2.The Secretary to Government,
Union of India,
Department of Pension and Pensioners Welfare,
Lok Nayak Bhavan Khan Market,
New Delhi.
- 3.The Additional Chief Secretary to Government of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort St. George,
Chennai, Tamil Nadu State – 600 009.
- 4.The Principal Chief Conservator of Forest &
Head of Forests,
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M.S.RAMESH,J.

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