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W.P.No.34990 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34990 of 2023

P.Sundaram

... Petitioner

Vs.

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

2.The Principal Chief Conservator of Forest
& Head of Forest Force,
Forest Headquarters,
Velacherry Main Road,
Guindy, Chennai 600 032.

3.The District Forest Officer,
Namakkal Forest Division,
Namakkal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to confer notional promotion to the petitioner as Forester with effect from 26.08.2009 on par with his juniors by considering his representation



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dated 06.07.2021 with all consequential benefits within time frame.

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For Petitioner : Ms.K.Jenitha

For Respondents : 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 petitioner herein has given a representation to the respondents on 06.07.2021, seeking to confer notional promotion as Forester with effect from 26.08.2009 on par with his juniors with all consequential 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,



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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 petitioner's representation dated 06.07.2021, 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 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.

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Index:Yes/No

Speaking order/Non-speaking order



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M.S.RAMESH,J.

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To

- 1.The Secretary to Government of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest
& Head of Forest Force,
Forest Headquarters,
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- 3.The District Forest Officer,
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