



W.P.Nos.34998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.34998 of 2023

G.Vasanth Mary

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road, Guindy,
Chennai – 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 consider the notional promotion to the petitioner as Forest Guard for purpose of getting revised pension on par with juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004 and in the light of order passed by this Court in W.P. No.27407 of 2022 dated 14.10.2022 by considering the representation dated 18.11.2022 within time limit to be stipulated by this Court.

For Petitioner : Mr.S.Mani



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For Respondents : Mrs.V.Yamuna Devi
Special 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 18.11.2022, seeking to consider the notional promotion to the petitioner as Forest Guard for purpose of getting revised pension on par with juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004. 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 18.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) 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 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.

18.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

1. Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
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Fort St.George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
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