



W.P.No.35304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35304 of 2023

1.K.Gurunanjan
2.P.Ganesan
Petitioners

...

Vs.

1.The State of Tamil Nadu,
Represented 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

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 as Forest Watcher and driver from the date of initial appointment on the basis of the similar persons seniority on 08.03.1999 for the purpose of getting pension /



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family pension and cancelling the rejection orders on par with our juniors service regularization by considering our common representation dated 04.08.2023 in the light of the order passed in G.O. (Ms). No.4 and 8 of the respondents Department dated 10.01.2020 and 22.01.2021 respectively and W.P. No.31208 of 2019 dated 06.11.2019, W.P. No.21627 of 2021 dated 07.10.2021 complied in G.O. (2D) No. 96, 124, 126 and 127 Environment, Climate Change and Forest (FR-2ii) Department dated 08.07.2022, 17.08.2022 and 03.06.2023 respectively with all consequential benefits within the time frame fixed by this Court.

For Petitioners : Mr.I.Kanna Patel

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. The petitioners herein have given a representation to the respondents on 04.08.2023, seeking to regularize the petitioners' service by relaxing the rules as Forest Watcher and driver from the date of initial appointment. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioners' representation dated 04.08.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (03) 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
gd

To

1.The State of Tamil Nadu,
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Chennai – 9.

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M.S.RAMESH,J.

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