



W.P.(MD).No.3433 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3433 of 2016

and

W.M.P.(MD).Nos.3048 and 3049 of 2016

S.Sivaram

... Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Maaligai,
Saidapet,
Chennai – 15.

2.The Chief Conservator of Forest,
Conservator of Forests,
Chennai Circle 259,
Anna Salai, DMS Compound,
III Floor, Teynampet,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings Ref.No.AA1/0101/16 dated 08.01.2016 and quash the same as



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illegal and consequently to direct the respondents to promote the petitioner as Assistant Conservator of Forest taking into account of Seniority from the date of Provisional Selection and by considering the representation of the petitioner.

For Petitioner : Mr.P.Yasmin Begum

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 08.01.2016 with consequential relief to grant promotion as Assistant Conservator of Forest.

2. The learned counsel appearing for the petitioner submitted that inspite of earnest effort, she could not contact the petitioner to ascertain the latest position.

3. The claim in this Writ Petition is to grant promotion and the same was declined through impugned order by stating it is a premature Writ Petition. The petitioner should serve in the lower post for a period of 8 years, in order to consider for promotion to the post of Assistant Conservator of Forest. Initially,



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the petitioner was appointed in the year 2006-2007 through Tamil Nadu Forest Subordinate Service included in Group – IV services. Due to certain litigations, they were not granted any appointment order during the year 2006-2007. The litigations went upto Supreme Court and ended on 19.09.2014. Subsequently, the respondents have considered the candidature and appointed the petitioner in the post of Forest Range Officer on 22.10.2016. The contention of the petitioner is that since the recruitment process is in the year 2006-2007 and he is in the selection list and hence he should be granted promotion for the Assistant Conservator of Forest by taking the service from 2006-2007.

4. The claim of the petitioner cannot be granted at all. Only after the issuance of appointment order, the service benefits and monetary benefits shall be disbursed to the petitioner. Any employee would be eligible to draw monetary and service benefits from the date of appointment order. The petitioner has misconceived the issue. However, as on date, the petitioner has completed 8 years of service, in case the petitioner is otherwise qualified, the respondents shall consider the petitioner's case for promotion.



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WEB COPY 5. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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S.SRIMATHY, J.

Nsr

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