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W.P.No.2584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2584 of 2024 and
W.M.P.No.2835 of 2024

P.M.Venu

...Petitioner

-Vs-

1. The Government of Tamilnadu
Rep. By its 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 for issuance of a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the Letter No.AAa1/37904/2022 Principle chief Conservator of Forest, (Head of Forest Force), Guindy, near Velachery Check Post, Kanniakapuram, Chennai-32 dated 09.05.2023 on the file of the Second respondent and quash the same and consequently directing the respondents to include the post of Forester on par with his juniors (i.e.,)



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11.04.2013 without insisting for completion of Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Hon'ble Court in W.P.No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A.No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Supreme Court S.L.P.(civil) Diary No.(s).27674 of 2022 dated 26.09.2022 and same was followed single judge in W.P.No.22530 of 2023 dated 04.09.2023 with all consequential service and monetary benefits.

For petitioner : Mr.S.Mani

For respondents : Mrs.S.Anitha
Special Government Pleader.

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent dated 09.05.2023 and quash the same and consequently directing the respondents to include the post of Forester on par with his juniors (i.e.,) 11.04.2013 without insisting for completion of Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Hon'ble Court in W.P.No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A.No.2682 of 2019 dated



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07.07.2021 and same was confirmed by the Supreme Court S.L.P.(civil)

Diary No.(s).27674 of 2022 dated 26.09.2022 and same was followed single judge in W.P.No.22530 of 2023 dated 04.09.2023 with all consequential service and monetary benefits.

2. The case of the petitioner is that the petitioner's name was not included in the promotion panel for the year 2011-2012. It is submitted by both sides that for similarly situated persons, the same has been implemented and the SLP filed against the said order has also been dismissed. Hence, seeks a direction to the respondents to include his name in the panel for promotion.

3. The only contention of the learned Special Government Pleader is that the petitioner has not undergone training at Vaigai Dam. Therefore, now his request cannot be considered.

4. It is relevant to note that this Court in an identical case in W.P.No.40881 of 2016 by an order dated 22.11.2016 has held that the



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petitioners have not been deputed to Vagai Dam Training for a long time and if the department fails to post them at a particular place for training, the employee could not be blamed for the same and hence, directed the respondents to include the name of the petitioner in the panel for the year 2011-2012 and promote them as Foresters from the date on which their juniors were promoted on notional basis. The appeal filed against the said order in W.A.No.2682 of 2019 has been dismissed by the Division Bench of this Court by an order dated 07.07.2021. It is to be noted that the petitioner had already completed 58 years and he is in the verge of retirement. It is also to be noted that he is already in the Forest, and the training for the petitioner can be dispensed with. In such view of the matter, the benefit of the above order has to be extended to the petitioner and the impugned order has to be quashed.

5. Accordingly, the impugned order dated 09.05.2023 is quashed and the respondents are directed to include the name of the petitioner in the panel for the year 2011-2012 and promote him as a Forester from the date on which his juniors were promoted on notional basis within a period of



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four weeks from the date of receipt of copy of the order.

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6. With the above direction, this writ petition is allowed.

Consequently, connected miscellaneous petition is closed. No costs.

06.02.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn

To

1. The Government of Tamilnadu
Rep. By its 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,
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G.K.ILANTHIRAIYAN,J.
gvn

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