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W.P.No.23781 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.23781 of 2013

and

M.P.No.2 of 2012

N.Panneerselvam

...Petitioner

-Vs-

1.Government of Tamil Nadu,
Represented by Additional Chief Secretary/
Secretary to Government
Environment and Forests Department,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator of Forests
& Head of Forest Force,
Chennai – 600 015.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to G.O.Ms.No.97, Environment and Forest (FR1) Department, dated 02.07.2023 and quash the same to the limited extent of declaration of crucial date as 15.08.2011 and non inclusion of name of the petitioner in the said panel and to issue consequential directions to the 1st respondent to fix the crucial date for inclusion of name in the panel for promotion as Assistant Conservator of Forests for the year 2012-13 as '15.08.2012' and to include the name of the



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petitioner in the appropriate place therein and to promote him with retrospective effect from the date of promotion of his immediate junior with consequential benefits and pass such further orders.

For Petitioner : Mr.R.Sri Hari
for M/s.M.Ravi

For Respondents : Mr.S.Rajesh
Government Advocate (Forest)

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to G.O.Ms.No.97, Environment and Forest (FR1) Department, dated 02.07.2023 and quash the same to the limited extent of declaration of crucial date as 15.08.2011 and non inclusion of name of the petitioner in the said panel and to issue consequential directions to the 1st respondent to fix the crucial date for inclusion of name in the panel for promotion as Assistant Conservator of Forests for the year 2012-13 as '15.08.2012' and to include the name of the petitioner in the appropriate place therein and to promote him with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

2. The case of the petitioner is that he joined service as Forester on



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15.02.1979. He was further promoted as Forest Range Officer with effect from 05.07.2002. The petitioner has become fully qualified and eligible for inclusion of his name in the panel of Assistant Conservator of Forests for the year 2012-2013 (crucial date : 15.08.2012) by passing the Department Tests viz., (1) Forest Law, Papers I and II (2) Office Administration and Accounts, Papers I and II (3) Forest Revenue Test and (4) Account Test for Executive Officers. Account Test for Executive Officers was held on 28.12.2011 and the results were published on 21.03.2012 and necessary entries have been made in his service register. The first respondent / Government issued the approved panel of Assistant Conservator of Forests for the year 2012-13 in G.O.Ms.No.97, Environment and Forest Department, dated 02.07.2013, taking the crucial date as 15.08.2011. The name of the petitioner was not included in the said panel since he has not passed the Account Test for Executive Officers as on 15.08.2011. In this regard, as per Rule 11 of the Special Rules for Tamil Nadu State Forest Service, the crucial date fixed for inclusion of name in the panel is 15th August every year and hence the respondents cannot fix the date in a previous year for the panel of the year 2012-13.

3. Learned counsel for the petitioner submitted that Thiru.



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T.R.K.Kumara Menon, similarly placed Forest Range Officer, filed W.P.

(MD)No.12678 of 2011 on the file of this Court under similar circumstances, praying for directions to the respondents to fix the crucial date of the panel of Assistant Conservator of Forests for the year 2011-12 as 15.08.2011 instead of 15.08.2010 and to include his name in the said panel and to promote him to the said post in the panel year 2011-2012, placing him above his immediate junior. The Madurai Bench of this Court by order dated 27.07.2012, allowed the said writ petition and the respondents were directed to fix the crucial date of the panel of Assistant Conservator of Forests for the year 2011-12 as 15.08.2011 and issued further directions to place the petitioner - Thiru T.R.K.Kumara Menon, above his immediate junior. This order has been implemented.

4. Learned counsel further submitted that as a similarly placed person, the petitioner is also entitled to the same benefits. The petitioner has submitted a representation dated 19.07.2013 to the first respondent, requesting to take 15.08.2012 as the crucial date for drawal of panel for the year 2012-13 for promotion as Assistant Conservator of Forests, include his name in the appropriate place above his immediate junior and promote him as such with all consequential benefits. The same has not been considered till



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date.

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5. In view of the above factual matrix of the case, the first respondent is directed to consider the representation of the petitioner dated 19.07.2013 on merits, in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order.

In the result, the writ petition is disposed of with the above **direction**. No costs. Consequently, connected miscellaneous petition is closed.

30.04.2024

cda

Index : Yes/No

Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.

cda

To

1.The Additional Chief Secretary/
Secretary to Government,



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Government of Tamil Nadu,
Environment and Forests Department,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator of Forests
& Head of Forest Force,
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