



W.P.No.7943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7943 of 2024

M.Elumalai

...Petitioner

-Vs-

1.The Government of Tamilnadu
rep. By its Principal 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 – 32.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the notional promotion to the petitioner as Forest Guard 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 the orders passed by this Court in W.P.No.15726 of 2016, dated 28.04.2016 by considering the representation dated 08.11.2023 and order in W.P.No.1229 of 2024 dated 23.01.2024.



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For petitioner : Mr.S.Mani
For respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to consider the notional promotion to the petitioner as Forest Guard 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 the orders passed by this Court in W.P.No.15726 of 2016, dated 28.04.2016 by considering the representation dated 08.11.2023 and order in W.P.No.1229 of 2024 dated 23.01.2024.

2. Heard the learned counsel on either side and perused the materials available on record.

3. According to the petitioner, identically placed persons were granted notional promotion pursuant to the orders passed by this Court in the aforementioned writ petitions. According to the petitioner, if notional



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promotion is granted, he will be getting enhanced pension. In such circumstances, he had given representation on 06.11.2023 to the respondents. Since the representation has not been considered, till date, he filed this writ petition.

4. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, in the light of the aforementioned orders subject to its applicability.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 06.11.2023 seeking grant of notional promotion as Forest Guard for the purpose of getting revised pension on par with his juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004. While considering the petitioner's representation, the first respondent is directed to give due consideration to the order dated 14.10.2022 in W.P.No.27407 of 2022 and decide whether the same is



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applicable to the case of the petitioner or not. The first respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

22.03.2024

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



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G.K.ILANTHIRAIYAN,J.
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