



WEB COPY

W.P.No.21581 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.21581 of 2021 and
W.M.P.No.22781 of 2021

G.Muthukumaran

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai 9.

2.The Principal Chief Conservator of Forests,
Panagal Buildings,
Jennis Road, Saidapet, Chennai 15.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in G.O.(D).No.128 Environment, Climate Change and Forests FR 2(i) Department, dated 09.09.2021 and quash the same and consequently, direct the respondents to promote the petitioner to the post of Forester/ Forest Ranger according to his pay of scale.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.M.S.Premkumar, GA



WEB COPY

W.P.No.21581 of



ORDER

This Writ Petition has been filed for quashment of the order passed by the first respondent made in G.O.(D).No.128 Environment, Climate Change and Forests FR 2(i) Department, dated 09.09.2021 and consequently, to direct the respondents to promote the petitioner to the post of Forester/ Forest Ranger according to his pay of scale.

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

3.The case of the petitioner herein is similar to that of the dispute which arose in the Writ Petitions in W.P(MD).Nos.22120 of 2017 & 18556 of 2020 (*T.Sundar Vs. The State of Tamilnadu*). In the said Writ Petitions, this Court has passed the following order:

“14.The contention of the respondents is that if a Driver is promoted in Forest Department, then the Drivers in other Departments would also seek the same. The respondents are having ample power to restrict the same to the Forest



WEB COPY

W.P.No.21581 of



Department alone. Therefore, the contention of the respondents that other Departments will claim the same cannot be a ground to reject the claim of the petitioners.

15. Therefore, the reasons stated by the respondents are not sustainable. The impugned orders in both the writ petitions are quashed. The respondents shall consider the proposal, dated 04.06.2013, positively, within a period of eight weeks from the date of receipt of a copy of this order.

16. with the above said observations, the writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.”

4. The subject matter in issue is also similar to that of the earlier Writ Petitions filed in W.P(MD).Nos.22120 of 2017 & 18556 of 2020, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioners in W.P(MD).Nos.22120 of 2017 & 18556 of 2020, his case would also have the similar line of appreciation involved in the above Writ Petitions. Hence, he is also entitled to the same relief as already granted to the other similarly placed person in the earlier judicial order.



WEB COPY

5. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Writ Petition is disposed of with the following orders:

(i) The petitioner shall make a fresh representation to the Competent Authority within a period of 4 weeks from the date of receipt of a copy of this order.

(ii) On such representation being made, the Competent Authority are directed to consider the representation of the petitioner and pass appropriate orders in accordance with law, within a period of two months thereafter.

(iii) No costs. Consequently, connected Miscellaneous Petition is also closed.

11.09.2024

vk

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai 9.

2.The Principal Chief Conservator of Forests,
Panagal Buildings,
Jennis Road, Saidapet, Chennai 15.



WEB COPY



W.P.No.21581 of

VIVEK KUMAR SINGH, J.

vkrr

W.P.No.21581 of 2021 and
W.M.P.No.22781 of 2021

11.09.2024