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W.M.P.No.31640 of 2019
in
Rev.Aplw. SR. No.132123 of 2019

C.V.KARTHIKEYAN, J.

This Application has been filed seeking to condone the delay of 255 days in filing this review petition.

2.I am informed that on 23.06.2023 in Proc. No.AB1/53070/2018 an order had been passed by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai – 600 032, purportedly to comply with the direction in W.P.No.12551 of 2012 by order dated 19.11.2018. But it was not in compliance and the officer cannot perform conditional compliance of the order. The relevant portion of the order is as follows:

“10.The petitioner Thiru.R.Vadivel's name is included in the panel for the post of Forester from the post of Forest Guard for the year 1994-1995 released vide Principal Chief Conservator of Forests (Head of Department) Proc. No.B1/5539/1993 dated 08.09.1194 as shown below:



<i>SL.No.</i>	<i>Seniority No.</i>	<i>Name Thiruvallargal</i>	<i>Designation</i>	<i>Date of joining as Forest Guard</i>
11	320	R.Murugan	Forest Guard	01.02.1980
11A	320A	R.Vadivel	Forest Guard	09.02.1980
12	321	N.S.Samraj	Forest Guard	29.02.1980

11.The petitioner's pay shall be fixed from the date in which his immediate junior assumed charge as Forester and accordingly retrospective benefits be settled.

The abovesaid promotion order and seniority fixation to the Thiru.R.Vadivel Forester (Rtd) is subject to the following conditions:

(i)This order is subject to the outcome of the Review Petition S.R.No.132123 of 2019 filed in W.P.No.12551 of 2022 order dated 19.11.2018.

(ii)It is a special case and cannot be quoted as precedent in future cases.”

3.There is no review application is pending. What is pending is an application seeking to condone the delay of 255 days in filing the review application. There is no bonafide on the part of the respondents. In the affidavit filed by the District Forest Officer, Salem Division, Salem, seeking to explain the delay, it had been stated that the order of this Court was passed on

19.11.2018 and was delivered on 10.01.2019 and it was not received by the



office.

4.I am not able to understand that particular statement. It is stated that thereafter, the respondents had approached the office of the Government Pleader to get an opinion. The opinion was given on 21.08.2019. There has been delay of 255 days. The delay cannot be condoned. A counter has been filed indicating the nature of compliance, which is actually no compliance at all. This petition stands dismissed.

24.07.2024

smv



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