



W.P.(MD).No.3010 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3010 of 2024

S.Muthuramalingam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary, Environment and
Forests Department, Fort St.George,
Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forests,
Head of Forest Force,
Velacheri Guindy,
Chennai-600 032.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the representations submitted by the petitioner, dated 09.02.2022 and 20.07.2023 and to promote the petitioner to the post of Forest Range Officer by taking into consideration of 12 year service in the post of Forester, with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.I.Romeo Roy Alfred



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W.P.(MD).No.3010 of 2024

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 2nd respondent to consider the representations submitted by the petitioner, dated 09.02.2022 and 20.07.2023 and to promote the petitioner to the post of Forest Range Officer by taking into consideration of 12 year service in the post of Forester, with all consequential and other attendant benefits within a time frame to be fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner initially entered in the Forest department as Village Social Forestry Worker on 01.02.1982. Vide G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994, the post of Village Social Forestry was regularized and the petitioner was also absorbed as Forest Watcher with effect from 24.01.1995. Thereafter, he was eligible to be promoted as a Forst Guard



W.P.(MD).No.3010 of 2024

as early on 25.01.1997 as per the Government Orders and Rules. However, he was belatedly promoted as Forest Guard only on 01.08.2005. Due to the late promotion to the post of Forest Guard, he was affected for consideration for promotion as Forester, resulting in juniors marching over him in promotion. Pursuant to filing of several writ petitions by the petitioner, vide proceedings of the 2nd respondent, dated 05.08.2009, the petitioner's seniority was fixed in the post of Forest Guard with effect from 16.09.1998. The said proceeding was challenged in W.A(MD)No.811 of 2011 and 1151 of 2017 batch. On the basis of that order, the petitioner was reverted back to the post of Forest Watcher vide proceedings, dated 09.09.2019. Challenging the said proceeding, the petitioner filed W.P(MD)No.20788 of 2019 and this Court by an order, dated 13.07.2020 directed the respondents not to revert the petitioner by way of implementing the proceedings, dated 09.09.2019. Further, it held that the entire gamut of the issue is subject to the outcome of the SLP pending before the Hon'ble Supreme Court in SLP (Civil) No.19254 of 2018.

4. However, in the meanwhile, the petitioner and the similarly placed persons were allowed to continue in the post of Forester from the date of his promotion i.e., 29.12.2011. The petitioner has discharged his duty as Forester



W.P.(MD).No.3010 of 2024

for more than 12 years. Hence, he made a representation on 09.02.2022 to the Government to consider him for the promotion to the post of Forest Range Officer. Further he sent a representation to the 2nd respondent on 20.07.2023. Since the same were not considered, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court directs the 2nd respondent to consider the representation of the petitioner, dated 09.02.2022 and 20.07.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.



W.P.(MD).No.3010 of 2024

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7. With the above said observations, this Writ Petition stands disposed of. No costs.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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- 2.The Principal Chief Conservator of Forests,
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W.P.(MD).No.3010 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD).No.3010 of 2024

12.02.2024