



W.P.(MD).No.7368 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7368 of 2024

R.Vaijeyanthi

... Petitioner

Vs

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

2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai 15.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to regularize the service of petitioner's husband on completion of his ten years from the date of initial appointment as a Plot Watcher on daily basis for the purpose of getting pension and family pension in the light of Hon'ble Supreme Court Judgment delivered in C.A.No. 6798 of 2019, dated 02.09.2019 and confer all consequential pensionary benefits by the way of considering petitioner's representation, dated 03.11.2023 to the respondents.



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For Petitioner : Mr. G.Chandrasekar

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to regularize the service of petitioner's husband on completion of his ten years from the date of initial appointment as a Plot Watcher on daily basis for the purpose of getting pension and family pension in the light of Hon'ble Supreme Court Judgment delivered in C.A.No. 6798 of 2019, dated 02.09.2019 and confer all consequential pensionary benefits by the way of considering petitioners representation dated 03.11.2023 to the respondents.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4. The petitioner's husband late Ramasamy initially appointed in the Forest Department on 01.07.1982 on daily wage basis. Further he was regularised in the post of Plot Watcher by the order of the 2nd respondent on 31.08.2009 with effect from 07.08.2009. While on service, he died on 16.10.2011. The petitioner submitted a representation on 03.11.2023 to the respondents seeking to regularize her husband's service after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis, for the purpose of getting pension and family pension. However, the same was not considered. Hence, 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 respondents 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.



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6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 03.11.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St. George, Chennai 9.
2. The Principal Chief Conservator of Forests,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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