



W.P.(MD).Nos.6990 to 6993 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD).Nos.6990 to 6993 of 2023
and WMP(MD) Nos.6604 to 6606, 6608 to 6610, 6613 & 6614 of 2023

V.Veerasamy

... Petitioner in W.P(MD) No.6990 of 2023

C.Pandiarajan

... Petitioner in W.P(MD) No.6991 of 2023

S.Murugan

... Petitioner in W.P(MD) No.6992 of 2023

S.Prince Selvakumar

... Petitioner in W.P(MD) No.6993 of 2023

Vs

1. The Principal Chief Conservator of Forests,
Forest Headquarters, Guindy-Velachery Main Road,
Guindy, Chennai-600 032.
2. The Conservator of Forests And Field Director,
Srivilliputur-Meghamalai Tiger Reserve,
Madurai-625 002.
3. The Deputy Director,
Srivilliputur-Meghamalai Tiger Reserve Meghamalai Division,
Theni-625 531.



W.P.(MD).Nos.6990 to 6993 of 2023

4. K.Arivalgan
5. M.Arumugam
6. R.Sonaimuthu
7. Suresh
8. Selvam
9. Deenadhayal

... Respondents in W.P(MD) No.6990, 6992 of 2023

1. The Principal Chief Conservator of Forests,
Forest Headquarters, Guindy-Velachery Main Road,
Guindy, Chennai-600 032.
2. The Conservator of Forests And Field Director,
Srivilliputur-Meghamalai Tiger Reserve,
Madurai-625 002.
3. The District Forest Officer,
Theni Forest Division,
Theni – 625 531.

4. K.Arivalgan
5. M.Arumugam
6. R.Sonaimuthu
7. Suresh
8. Selvam
9. Deenadhayal

... Respondents in W.P(MD) No.6991 of 2023



W.P.(MD).Nos.6990 to 6993 of 2023

WEB COPY

1. The Principal Chief Conservator of Forests,
Forest Headquarters, Guindy-Velachery Main Road,
Guindy, Chennai-600 032.
2. The Conservator of Forests And Field Director,
Srivilliputur-Meghamalai Tiger Reserve,
Madurai-625 002.
3. The District Forest Officer,
Theni Forest Division,
Theni – 625 531.
4. The Deputy Director,
Srivilliputur-Meghamalai Tiger Reserve Meghamalai Division,
Theni-625 531.
5. K.Arivalgan
6. M.Arumugam
7. R.Sonaimuthu
8. Suresh
9. Selvam
10. Deenadhayal

... Respondents in W.P(MD) No.6993 of 2023

Prayer in W.P(MD) No.6990 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in Na.Ka. No.5527/Aa2/2017, dated 23.08.2021, quash the same and further direct the 2nd and 3rd respondents



W.P.(MD).Nos.6990 to 6993 of 2023

to approve forthwith the appointment of the petitioner as B.T. Assistant (History) in the 5th respondent school w.e.f. 03.07.2017, with all attendant benefits including the arrears of salary and allowance.

Prayer in W.P(MD) No.6991 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the approved list of Forest Range Officer panel for the year 2022-2023 issued by the 1st respondent in his proceedings No. 82/21342/2022, dated 17.02.2023 and promote the petitioner as Forest Range Officer in Theni or Madurai District on par with his junior with all attendant and service benefits within a time stipulated by this Court.

Prayer in W.P(MD) No.6992 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the approved list of Forest Range Officer panel for the year 2022-2023 issued by the 1st respondent in his proceedings No. 82/21342/2022, dated 17.02.2023 and promote the petitioner as Forest Range Officer in Theni or Madurai District on par with his junior with all attendant and service benefits within a time stipulated by this Court.

Prayer in W.P(MD) No.6993 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the approved



W.P.(MD).Nos.6990 to 6993 of 2023

list of Forest Range Officer panel for the year 2022-2023 issued by the 1st respondent in his proceedings no. 82/21342/2022, dated 17.02.2023 and promote the petitioner as Forest Range Officer in Theni or Madurai District on par with his junior with all attendant and service benefits within a time stipulated by this Court.

For Petitioners : Mr. M.Saravanakumar

For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

Heard Mr.M.Saravanakumar, learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, for the respondents.

2.The petitioners who are working as Foresters have completed the Departmental Test and the training for Forester and hence, they are fully qualified to hold the next post of Forest Range Officers. The first respondent has called for suitability for preparation of panel for the year 2022-23 for promotion to Forest Range Officers. The petitioners name have also been recommended to be included in the list. However, the first respondent issued promotion panel on 17.02.2023 without including the names of the petitioners.



W.P.(MD).Nos.6990 to 6993 of 2023

The petitioners' grievance is that the selection list contains the names of the employees who have got charges pending against them. Hence, the petitioners have filed the writ petitions seeking a writ of mandamus to direct the respondents to include their names in the approved list of Forest Range Officers panel for the year 2022-23 issued by the first respondent and promote them as Forest Range Officers.

3. Mr.M.Saravanakumar, learned counsel appearing for the petitioners submitted that despite the positive recommendation, the petitioners could neither get their names included in the panel nor in the promotion order. There is no reason to drop the names of the petitioners from the list for the promotion to the post of Forest Range Officer.

4. Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that as per the Combined inter-se-seniority list of Forest Guard / Forest Guard with Driving Licence as on 15.08.2010, the petitioners stand in serial nos.230, 261, 257 and 255 respectively and the respondents 4 to 9 stand below the petitioners. For better clarity, the inter-se-list is extracted below.



WEB COPY



W.P.(MD).Nos.6990 to 6993 of 2023

S.No.	Name	Serial No.
1	V.Veerasamy	230
2	S.Prince Selvakumar	255
3	S.Murugan	257
4	C.Pandiarajan	261
5	K.Arivalagan	301
6	M.Arumugam	-
7	R.Sonaimuthu	268
8	R.Suresh	273
9	R.Selvam	278
10	G.Deenadhayal	284

5. The petitioners were originally appointed as Forest Guards and subsequently promoted to Foresters. The eligibility criteria for appointment to the post of Forest Range Officer through promotion from the category of Forester is as under.

"a) Must possess the minimum general educational qualification as specified in the Schedule-I to the General Rules.

b) Must have completed successfully a course of training for Foresters in a State Forestry training College.

c) Must have served as Forester for a period of not less than eight years.



W.P.(MD).Nos.6990 to 6993 of 2023

d) Must have passed the department tests (Forest Law and Office procedure and Accounts (or) Forest Law and Forest Revenue, Tamil Nadu Forest Department Code and Accounts and Fundamental Rules of Tamil Nadu Government, Tamil Nadu State Service Rules etc."

6. However, when the promotion panel was drawn in the year 2010-2011 for the post of Forester, the petitioners were not selected in view of certain disciplinary proceedings pending against them. At the end of the disciplinary proceedings, V.Veerasamy (petitioner in W.P.(MD)No.6990 of 2023) has been imposed with a punishment of postponement of increment for 6 months without cumulative effect; C.Pandiarajan (petitioner in W.P.(MD)No. 6991 of 2023) has been imposed with a punishment of postponement of increment for 3 months with cumulative effect; S.Murugan (petitioner in W.P. (MD)No.6992 of 2023) has been imposed with a punishment of postponement of increment for three months with cumulative effect; and S.Prince Selvakumar (petitioner in W.P.(MD)No.6993 of 2023) has been imposed with a punishment of postponement of increment for 6 months with cumulative effect. The above punishment resulted in the inclusion of the petitioners' name in promotion panel to the post of Forester only in the year 2011-12.



W.P.(MD).Nos.6990 to 6993 of 2023

WEB COPY

7. Therefore, the learned Special Government Pleader submitted that the claim of the petitioners that they should be equated with that of the selectees who have been included in the promotion panel for the year 2010-2011 for the post of Forester is untenable.

8. Mr. M. Saravanakumar, learned counsel appearing for the petitioners submitted that the petitioners have already got favourable orders in order to restore their seniority list in the cadre of Forester and got themselves fixed above the other selectees in the selection list for the post of Forest Range Officer. So, his contention is that when the petitioners stand above the selectees, even in the feeder cadre of Forester, they ought not have been detained while considering the promotion to the post of Forest Range Officer. The fact that the petitioners have been placed above in the seniority list has not been denied by the respondents. Only by giving consideration of the said fact, the petitioners names were recommended to be included in the promotion panel for the post of Forest Range Officer for the year 2022-23. In such case, the petitioners ought to have been promoted along with their Juniors and the respondents should not have refused to include the names of the petitioners by



W.P.(MD).Nos.6990 to 6993 of 2023

digging upon the earlier disciplinary proceedings against them. It is reiterated that despite their earlier punishments, their seniority was not affected and they have always stood above their Juniors who have been now promoted to the post of Forest Range Officer. Whatever may be the case, the petitioners' names were also recommended to be included in the promotion panel to the post of Forest Range Officer along with their Juniors in the year 2022-23

9.The learned counsel for the petitioners submitted that the petitioners' seniority have got fixed in view of the Judgment passed by the Division Bench of this Court in W.A.(MD) Nos.811 of 2011 etc., batch and now the petitioners shall not be placed below their juniors for the promotion to the post of Forest Range Officers. The W.A.(MD) Nos.811 of 2011 etc., batch has arisen out of the order passed in W.P(MD) No.22331 of 2009 etc., Batch.

10.No doubt, during the relevant point of time, the petitioners were only Forest Guards and not Foresters. In fact, the dispute raised by the petitioners in the earlier writ petitions itself is for giving them due opportunity by fixing the *inter-se* seniority in the post of Forest Guards for getting promotion to the post of Foresters. Admittedly, the petitioners got promotion



W.P.(MD).Nos.6990 to 6993 of 2023

to the post of Foresters only on 22.04.2013 by getting themselves placed in the promotion panel for the year 2011-12. Even though, the petitioners stood as senior than the persons, who have got next promotion to the post of Foresters, they were not given with promotion along with them in view of the reasons that they were given with some punishment and the punishment was in force.

11.The petitioners have not challenged the promotion to the post on 22.04.2013 by alleging that they are entitled to promotion during the previous promotion panel for the year 2010-11 on par with the juniors in the cadre of Forest Guards. By taking advantage of the earlier promotion in the cadre of Foresters, the then Juniors of the petitioners now have got the advantage of getting the next level of promotion as Forest Range Officers before the petitioners, being considered for promotion.



W.P.(MD).Nos.6990 to 6993 of 2023

WEB COPY

12.However, since the petitioners cannot claim it as a matter of right, the name of the petitioners can be considered for the next panel year ie., 2023-24 for the post of Forest Range Officers, if they are considered to be the candidates coming under the zone of consideration of the District Forest Officer. In view of the above reasons, they could be placed in the panel of the year 2022-23 for promotion to the post of Forest Range Officer as the petitioners were not selected.

13.In view of the above discussion, I find no reasons to interfere with the impugned orders. Hence, these writ petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.06.2024

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



W.P.(MD).Nos.6990 to 6993 of 2023

To

1. The Principal Chief Conservator of Forests,
Forest Headquarters, Guindy-Velachery Main Road,
Guindy, Chennai-600 032.
2. The Conservator of Forests And Field Director,
Srivilliputur-Meghamalai Tiger Reserve,
Madurai-625 002.
3. The District Forest Officer,
Theni Forest Division,
Theni – 625 531.
4. The Deputy Director,
Srivilliputur-Meghamalai Tiger Reserve Meghamalai Division,
Theni-625 531.



WEB COPY



W.P.(MD).Nos.6990 to 6993 of 2023

R.N.MANJULA, J.

PNM

COMMON ORDER IN
W.P.(MD).Nos.6990 to 6993 of 2023
and WMP(MD) Nos.6604 to 6606, 6608 to 6610, 6613 & 6614 of 2023

05.06.2024