



W.P.(MD)No.14936 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14936 of 2024

P.Ganesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its additional Chief Secretary to
Government,
Environment, Climate Change and
Forest Department,
Fort St.George,
Chennai Tamil Nadu State-600 009.

2.The Principal Chief Conservator of Forest
& Head of Forests,
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu State- 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to notionally regularize the petitioner service by relaxing the rules after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis along with driver service in regular capacity as qualifying service for the purpose of getting pension and family pension in the light of the Hon'ble Supreme Court Judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019



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and orders passed in W.P.No.19023 and 21627 of 2021 dated 09.09.2021 and 07.10.2021 respectively and to confer all consequential pensionary benefits by the way of considering the representations to the respondents within time frame as fixed by this Court.

For Petitioner : Mr.I.Kannapatel
For Respondents : Mr.J.Ashok
Government Advocate

ORDER

Heard Mr.I.Kannapatel, learned counsel for the petitioner and Mr.J.Ashok, learned Government Advocate for the respondents.

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

3. The petitioner has joined in the Tamil Nadu Forest Subordinate Service temporarily on full-time daily wage basis as Plot Watcher in the year 1983 and he was brought into regular service in the year 2009. Thereafter, he was promoted as Driver cum Forest Guard in the year 2014 and retired from service on 29.02.2024. The petitioner had rendered 42 years of service in the respondent Department. Hence, seeking to regularize his service as Forest Watcher on par with his junior, who got their promotion notionally, for the



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purpose of getting retirement benefits and pension, the petitioner made a representation to the second respondent on 15.06.2024. Since the same was not considered so far, the petitioner has filed this writ petition with the aforesaid prayer.

4. It is needless to point out that whenever a representation of this nature is made to a Government 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 15.06.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this



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order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

08.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Additional Chief Secretary to
Government,
Environment, Climate Change and
Forest Department,
Fort St.George,
Chennai Tamil Nadu State-600 009.
- 2.The Principal Chief Conservator of Forest
& Head of Forests,
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu State- 600 032.



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R.N.MANJULA, J.

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