



W.A(MD)No.131 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.131 of 2024

and

C.M.P(MD)No.1062 of 2024

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest Department,
Chennai.

2.The Principal Chief Conservator of Forest,
Pangal Maligai,
Saidapet,
Chennai.

3.The Conservator of Forest,
Tirunelveli Circle,
Tirunelveli District.

4.The District Forest Officer,
Tirunelveli District.

... Appellants/Respondents

Vs.



W.A(MD)No.131 of 2024

K.S.Sivanathan

... Respondent/Writ Petitioner

PRAYER : Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 14.02.2023 in W.P(MD)No.7864 of 2018.

For Appellants :Mr.N.Satheesh Kumar,
Additional Government Pleader
For Respondent :Mr.V.Panneer Selvam

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This writ appeal has been filed by the appellants/State, challenging the order, dated 14.02.2023 passed in W.P(MD)No.7864 of 2018.

2. According to the appellants, the respondent/writ petitioner has filed the writ petition challenging the order passed by the second appellant/authority by rejecting the claim of the respondent/writ petitioner for promotion and the consequential order of reversion passed as against the respondent/writ petitioner.



W.A(MD)No.131 of 2024

WEB COPY

3. After hearing both the parties, the Writ Court came to a conclusion by allowing a writ petition by holding that the claim of the writ petitioner seeking promotion to the post of Forester is rejected and the reversion order passed by the respondent/authority is without jurisdiction and the same is set aside.

4. The learned Additional Government Pleader raised a ground that the respondent/writ petitioner is not eligible for granting promotion as per G.O.Ms.No.1133, Personnel and Administrative Reforms Department, dated 22.05.1986 and G.O.Ms.No.1077, Personnel and Administrative Reforms Department, dated 01.12.1987 and on the said ground, the order of the learned Single Judge, is liable to be set aside. He would further submit that the scale of pay of Night Watchman and Office Assistant, are one and the same.

5. The learned counsel appearing for the first respondent/writ petitioner, would strongly object the contentions of the learned Additional Government Pleader. According to him, the reversion order passed by the authority is totally illegal and without jurisdiction and as against the Articles 14 and 15 of the



W.A(MD)No.131 of 2024

WEB COPY

Constitution of India and therefore, he seeks confirmation of the order of the learned Single Judge.

6. We have anxiously considered the submissions made on either side and perused the materials placed before us.

7. The appellants have raised grounds in the writ appeal questioning the qualification of the respondent/writ petitioner for promotion to the post of Office Assistant. However, the appellants have allowed the respondent/writ petitioner in the post of Office Assistant till he attained age of superannuation. When the respondent/writ petitioner filed a writ petition claiming promotion, the authorities have rejected the claim for promotion and consequently, passed an order of reversion to the Post of Night Watchman. Further, it is also an admitted fact that the scale of pay of Night Watchman and Office Assistant, are one and the same.



W.A(MD)No.131 of 2024

WEB COPY 8. In these circumstances, there is no force in the contentions raised by the learned Additional Government Pleader and there is no ground raised to interfere with the order of the learned Single Judge and therefore, this writ appeal is liable to be dismissed.

9. In the result, this writ appeal is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

15.02.2024

Neutral Citation: Yes / No
Index : Yes / No
PM



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W.A(MD)No.131 of 2024

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