



W.P.(MD).No.31140 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31140 of 2023

R.A.Jayarama Pandian

... Petitioner

Vs

1. The Principal Chief Conservator of Forests,
Chennai - 600005.
2. The Conservator of Forests,
Madurai Circle, Madurai - 20.
3. The District Forest Officer,
Madurai Division, Madurai - 2.
4. The District Forest Officer,
Theni Division, Theni District.
5. Principal Accountant General (A and E) Pension,
361, Anna Salai, Chennai - 1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 4 to promote the petitioner notionally from the year 2012 in the post of Forester by placing the petitioners name over and above his Junior Rajendran and thereby calculate all consequential service and fix the monitory benefits,



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pension benefits and send revised pension proposal to the 5th respondent within a specified time frame that may be fixed by this Court.

For Petitioner : Mr. V. Manikandan

For Respondents : Mr.V.Nirmal Kumar (R1 to R4)
Government Advocate

Ms.S.Mahalakshmi (R5)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the Respondents 1 to 4 to promote the petitioner notionally from the year 2012 in the post of Forester by placing the petitioner's name over and above his Junior Rajendran and thereby, calculate all consequential service and fix the monetary benefits, pension benefits and send revised pension proposal to the 5th respondent within a specified time frame that may 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.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the



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learned Standing Counsel for the fifth respondent. Perused the materials on record.

4.The petitioner was issued with charge memo on 07.03.2002. On completing the enquiry, an order of stoppage of increment with cumulative effect for one year was passed on 31.12.2002. The appeal against penalty was rejected on 20.08.2003. On revision a denova enquiry was ordered on 05.02.2004 and increment withheld was restored on 23.04.2004. Subsequently, the petitioner filed a writ petition in W.P.(MD)No.7004 and 11615 of 2005, which were disposed with certain observations. Subsequent to the order passed by this Court on 10.04.2012, the petitioner was promoted as Forest Guard with effect from 04.09.2006 and seniority was fixed above his immediate junior Rajendiran. On 25.08.2014, his promotion to the post of Forester was denied for the reason that the promotion to the post of Forester for the panel year 2012-13 those individuals working as Forest Guard till 05.02.2004 were selected on 01.01.2009. Since the petitioner was promoted only on 14.06.2009, his name was not considered. Even for the next promotion panel of year 2014-15, his name was not listed. Hence, he gave a representation on 24.10.2010 to the respondents in this regard. The third respondent has received



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the said representation and forwarded the same to the fourth respondent vide proceedings, dated 20.11.2020. However, the same is kept pending endlessly.

Hence, this petition.

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 them to consider the same within a stipulated time.

6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents 1 to 4 to consider the representation of the petitioner, dated 24.10.2020, which was forwarded by the third respondent and pass final orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

02.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

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ORDER IN
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