



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.1033 of 2014

D.Rajappa

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai – 600 009.

2. The Principal Chief Conservator of Forests
& Head of Forest Force,
Panagal Buildings, Saidapet,
Chennai – 600 015.

3. The Conservator of Forest,
Coimbatore Circle, Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in proceedings Na.Ka.No.AB1/13532/2010 dated 03.05.2011 and Na.Ka.No.AB1/6257/2012 dated 13.03.2012 and quash the same and to direct the panel for promotion to the post of Forester and to notionally promote the petitioner as Forester with retrospective effect from the date of promotion of his immediate junior and to grant him all



consequential benefits within a limited time frame as deemed fit by this Hon'ble Court.

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For Petitioner : Mr.T.Dharani

For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

The petitioner herein, who was initially appointed as a 'Field Conductor' in the Cinchona Department on 01.11.1997, was subsequently absorbed in the Forest Department upon the amalgamation of the Cinchona Department in the Forest Department, by virtue of the orders issued in G.O (Ms) No.221, Environment and Forest Department, dated 03.04.1990, and G.O (Ms) No.275, Environment and Forest Department (FR-I) dated 06.11.1996, in the post of 'Forest Guard'. Thereafter, the petitioner retired from service on attaining the age of superannuation on 31.01.2004. While so, some of the persons who were similarly appointed as 'Field Conductors' in the Cinchona Department and amalgamated in the Forest Department in the cadre of 'Forest Guard' made a claim for fixation of their seniority at the appropriate place in the cadre of 'Forest Guard' in the Forest Department by filing O.A.Nos.1423 and 8271 of 1998 and the said original applications were disposed of by the then Tamil Nadu Administrative Tribunal by an order dated 29.11.2001, directing the respondents therein to fix the *interse*



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seniority of the petitioners therein by including their names in the seniority list and also to give the benefit of notional promotion after fixation of the seniority, in case if any of the juniors of the petitioners therein were promoted to the post of 'Forest Officer'.

1.2. It was thereafter, one of the applicants in the said original applications filed W.P.No.27907 of 2004 before this court seeking implementation of the order dated 29.11.2001, passed in the above referred two original applications. Accordingly, the said writ petition was disposed of by an order dated 08.10.2004, directing implementation of the order dated 29.11.2001 passed by the learned Administrative Tribunal. It was thereafter, on filing of Contempt Petition No.365 of 2005, the second respondent herein issued proceedings bearing AB1/21751/2008-02 dated 28.11.2008, fixing the seniority of the petitioners who are parties to the original applications before the tribunal and also granting them the benefit of notional promotion as 'Forester'.

1.3. It was thereafter, the petitioner started making a claim for fixation of seniority and for promotion to the post of 'Forester' contending that some



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of the juniors of the petitioner were promoted to the post of 'Forester' on notional basis by submitting a representation dated 09.01.2009. The said representation was rejected by the second respondent by passing an order dated 03.05.2011, stating that the claim of the petitioner for promotion to the post of 'Forester' for the panel year 1999-2000 was not considered as nil panel was prepared during the said panel year and also explaining that the case of the petitioner could not be considered for the subsequent panel years prior to the date of his retirement from service as the petitioner was undergoing punishment imposed through proceedings bearing No.1424/2001/E2 dated 25.05.2002.

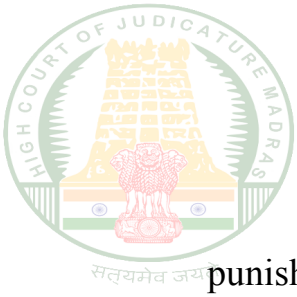
2. The learned counsel for the petitioner contended that the punishment of 'stoppage of increment for a period of two years' imposed through proceedings dated 23.05.2002, on the petitioner was modified as 'stoppage of increment for a period of one year' on the appeal filed by the petitioner and therefore, the punishment that was imposed on the petitioner came to an end on 30.06.2003 and therefore, the petitioner is eligible for promotion to the post of 'Forester' for the panel year 2003-2004, as the crucial date for the panel year 2003-2004 is 15.08.2003. He also further contended that the action



of the respondents in preparing a 'nil panel' for the year 1999-2000 is also not legal as the same was prepared at the instance of an association and not for want of vacancies during the said panel year.

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3. This court has carefully considered the submissions made by the learned counsel for the petitioner. Before going into the validity of the impugned orders passed by the respondents, this court deem it necessary to deal with the issue of delay and laches on the part of the petitioner in making a claim for promotion to the post of 'Forester'. The claim of the petitioner in the instant writ petition is for promotion to the post of 'Forester' for the panel year 1999-2000. Admittedly, a 'nil panel' was prepared as early as in the year 2000 by issuing a proceedings vide CMO.No.AA1/34731/2000 dated 24.05.2000, for the panel year 1999-2000 at the instance of the Tamil Nadu Forest Workers' Association. At that point of time, the petitioner was very much in service and working as a 'Forest Guard' in the Forest Department. However, for the reasons best known, the petitioner has not chosen to question the said action of the respondents in preparing 'nil panel' for the panel year 1999-2000.



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4. Further, it is not in dispute that the petitioner suffered punishment of 'stoppage of one increment for a period of one year' and the same was in operation till 30.06.2003. Therefore, the question of considering the case of the petitioner for promotion till 30.06.2003 does not arise. Even for the panel year 2003-2004 also, the crucial date being 15.08.2003, though the name of the petitioner was considered, the same was rejected on the ground of currency of punishment suffered by the petitioner. Even at that stage also, the petitioner, having been fully aware of the rejection of his candidature for promotion to the post of 'Forest Officer', has not chosen to question the action of the respondents and kept quiet and retired from service on 31.01.2004. Even after retirement also, the petitioner has not chosen to make any claim for promotion to the post of 'Forester' till the month of January, 2009.

5. Though the petitioner claims to have approached the respondents for inclusion of his name in the seniority and for consequential promotion, there is no material that is placed before this court in support of such contention. However, it was only in the month of January 2009, the petitioner made a claim for promotion to the post of 'Forest Officer' on the



ground that some of the persons were granted notional promotion after their retirement by issuing proceedings bearing AB1/21751/2008-02 dated 28.11.2008.

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6. Thus, there is a delay of more than five years since the date of superannuation of the petitioner in making a claim for promotion to the post of 'Forest Officer'. If the claim of the petitioner is to be taken into consideration for promotion i.e., for promotion to the post of 'Forester' from the panel year 1999-2000, the delay is more than a decade. Absolutely no reasons are forthcoming for such inordinate delay on the part of the petitioner in making a claim for promotion to the post of 'Forest Officer'.

7. From the above, it is evident that the petitioner had woke up only after some of the 'Forest Guards' were granted notional promotion to the post of 'Forest Officer' by virtue of the proceedings dated 28.11.2008, by granting notional promotion after they retired from service and then started making a claim for notional promotion contending that some of his juniors



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were promoted to the post of 'Forest Officer'. But, for the reasons best known, no details of the persons, who are stated to be juniors to the petitioner and were granted promotion to the post of 'Forest Officer' were furnished in the entire affidavit filed in support of the writ petition.

8. Thus, it is evident that it is only after some of the 'Forest Guards' got the benefit of promotion, the petitioner started making a claim for the similar benefits. All the persons who are the beneficiaries of the proceedings dated 28.11.2008 are all the persons who made a claim for inclusion of their names in the seniority list of 'Forest Guards' at the appropriate place by filing O.A.Nos.14823 & 18271 of 1998 by approaching the then Administrative Tribunal and thus, have been agitating their rights right from the year 1998 and ultimately, they got the benefit of the same in the year 2008 after they all retired from service.

9. In the light of the above, the claim of the petitioner for promotion to the post of 'Forest Officer' by comparing with the beneficiaries under the proceedings dated 28.11.2008 cannot be entertained as the same suffers from the vice of abnormal delay and laches.



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10. In the light of the above, this court does not find any merit in the writ petition and the same is accordingly dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government of Tamil Nadu,
Environment and Forest Department, Secretariat, Chennai – 600 009.
2. The Principal Chief Conservator of Forests & Head of Forest Force,
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