



W.P.No.33654 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.33654 of 2023

1.S.Govindan
2.K.S. Somasekar
3.K.Balakrishnan
4.M.Saravanan
5.M.P.Senthilkumar

.. Petitioners

Versus

1. The State of Tamil Nadu
Rep by its Principal Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai – 600 032.

..Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant notional promotion to the petitioners for the post of Forest Range Officers on par with their juniors who have been promoted for the panel of year 2016-17 by restoring their original seniority as Foresters and grant all other service benefits and pass orders.

For Petitioner

: Mr.M.R. Jothimanian



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For Respondents

: Mr.S.Rajesh
Government Advocate

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondents to grant notional promotion to the petitioners for the post of Forest Range Officers on par with their juniors who have been promoted for the panel of year 2016-17 by restoring their original seniority as Foresters and grant all other service benefits and pass orders.

2.The case of the petitioners is that they were working as Forest Range Officer in the Forest Department. The sum and substance of the case is that in the panel for Forest Range officer for the year 2016-2017 the petitioners name have been included in the panel as serial No.147,151,156,173 and 179 respectively. But the petitioners were not selected for promotion for the reason that they have not completed 6 years of service as Foresters as on 15.08.2016 and twelve juniors have been promoted in the very same panel, since they have joined before 15.08.2016. The sum and substance of the case is that the petitioners have permitted to join in the post of Forester belatedly due to some



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administrative reasons. The delay in joining to the post is not attributable against the petitioner. Therefore, the petitioners made representations to the respondents regarding the said issue. However, the same was not considered, which has given rise to this petition.

3. The learned counsel for the petitioners submitted that the respondents are not justified in insisting the petitioners to complete 6 years of service as Forester one of the condition precedent for promotion to the post of Forest Range Officer at a particular date. He further submitted due to administrative reasons only the petitioners were not able to join to the post of Forester on 15.08.2016. It is pertinent to note that the juniors to the petitioners were given promotion. Hence prays to allow this petition.

4. The Government Pleader has filed a counter affidavit, wherein, it has been stated that the petitioners herein along with 9 other Foresters had joined in the post of Forester as above and it was found that they have not completed 6 (six) years of service on the crucial date of the panel i.e.15.08.2016. In view of the said fact, the Departmental Promotion



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Committee decided that the writ petitioners as well as 9 others were not qualified for promotion as Forest Range Officer on the crucial date of the panel for the year 2016-17 and did not recommend their names for promotion as Forest Range Officer. Hence prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. Before advertizing further it would be relevant to go through Rule 5 of the Tamil Nadu Forest Subordinate Service Rules and the relevant portion is extracted hereunder:

40.(1)

(2) The Seniority of person in a service, class, category or grade shall, where the normal method of recruitment to the service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date of which he is appointed to the services, class, category or grade;

Provided that where the junior appointed by a particular method of recruitment happens to be appointed to a service, class, category or grade, earlier than the senior appointed by the same method of recruitment, the



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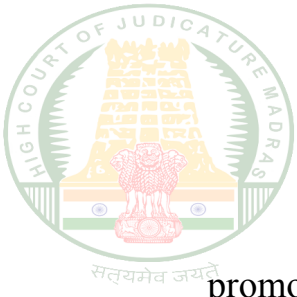
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senior shall be deemed to have been appointed to the service, class, category or grade on the same day on which the junior was so appointed.

Provided further that the benefit of the above proviso shall be available to the senior only for the purpose of fixing inter-se-seniority:

7. On going through the above provision it is made clear that Rule 5 of the Tamil Nadu Forest Subordinate Service Rules has been relaxed by the first respondent which is illegal and against the petitioner's original seniority.

8. On a perusal of records it is seen that the petitioners have earlier approached this Court for the very same issue in W.P.No.16300 of 2017 and this Court vide order dated 29.06.2017 disposed of the writ petition with a direction to the respondents to consider the claim of the petitioners and pass appropriate orders. Pursuant to which the second respondent rejected the claim of the petitioners vide Ref.No.B2/26645/2017 stating that the petitioners have not completed 6 years of service as on 15.08.2016. The core contention of the respondents is that the petitioners have not completed six years of service, hence they have not given



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promotion, even though their name was found in the panel in S.I.No.147,151,156,173 and 179 respectively. It is pertinent to note there was a remark saying “not selected” on the ground that the petitioners did not complete six years of service because, there is a shortage of 4 days of service for completion of the six years period. The delay was caused due to not relieving the petitioners immediately after promotion and also not allowing the petitioners to join duty after relieving from the posts.

9. Hence, this Court is of the view for the shortage of 4 days of service is due to delay caused by Government while relieving them from the post immediately after promotion to which the petitioners cannot be denied their promotional aspects. The said delay is not due to the petitioners and due to administrative reasons the petitioners joined the post of forester belatedly.

10. For the foregoing reasons, the respondents are directed to grant notional promotion to the petitioners for the post of Forest Range Officers on par with their juniors who have been promoted for the panel of year 2016-17 by restoring their original seniority as Foresters and grant all other service benefits. The said exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this Order.



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11. With the above observations this writ petition stands allowed.

No order as to costs.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

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Environment, Climate Change and Forest Department,
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V.BHAVANI SUBBAROYAN, J.

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