



WEB COPY



W.P.No.26913 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.26913 of 2018

and

WMP.No.31270 of 2018

N. Pachaippan,
Age 54 Yrs/M
S/o Natarajan (late) Forester
O/o Chief Project Director and
Principal Chief Conservator of Forest
Tamil Nadu Biodiversity
Greening Project, Chennai 600 100.

...

Petitioner

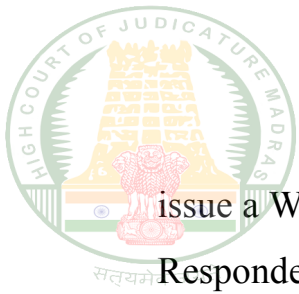
Vs.

1. Government of Tamil Nadu
Rep. by the Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator of Forest,
(Head of the Department)
Panagal Building,
Chennai 600 015.
3. The Divisional Forest Officer,
Social Forestry Division
Chengalpattu-603 001.
Kancheepuram District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to



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issue a Writ of Certiorari Mandamus calling for the records on the file of the 2nd Respondent relating to Ref.No.M2/41028/2017 dated 01/11/2018, quash the same and directing the First Respondent to consider and pass orders on the representation of the Petitioner dated 04/10/2017 for granting exemption in favour of the Petitioner from passing the Departmental tests in Forest Laws Paper I and II and to consequently direct the Second Respondent to include the name of the Petitioner in the panel for promotion as Forest Range in the appropriate place therein in the list approved by the Second Respondent in Pro No.B2/13217/2017 dated 06/09/2018 issued by the Second Respondent and to promote him as such on par with his immediate Junior therein, with all consequential benefits.

(Prayer amended vide order dated 11.04.2019 made in WMP.No.11232/19 in WP.No.26913/18 by SMSJ)

For Petitioner : Mr.Ravi
For Respondents : Mr.S.Rajesh, Govt. Advocate

ORDER

Heard Mr.Ravi, learned counsel for the petitioner, Mr.S.Rajesh, learned Government Advocate for respondent and perused the materials available on record.

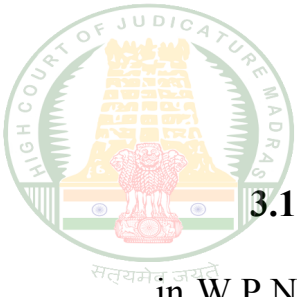
2.The petitioner has filed this writ petition challenging the 2nd



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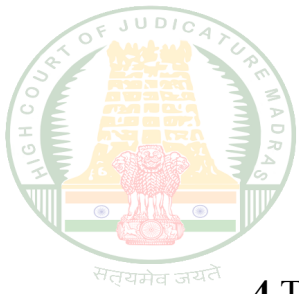
Respondent's order relating to Ref.No.M2/41028/2017 dated 01/11/2018 and to direct the First Respondent to consider and pass orders on the representation of the Petitioner dated 04/10/2017 for granting exemption in favour of the Petitioner from passing the Departmental tests in Forest Laws Paper I and II and to consequently direct the Second Respondent to include the name of the Petitioner in the panel for promotion as Forest Ranger in the appropriate place therein in the list approved by the Second Respondent in Pro No.B2/13217/2017 dated 06/09/2018 issued by the Second Respondent and to promote him as such on par with his immediate Junior therein, with all consequential benefits.

3. The petitioner who entered into service in the Forest department as Forest Guard on 12.04.1997 was promoted as Forester on 06.08.2010. In a disciplinary proceedings a fresh charge memo was issued to the petitioner by the District Forest Officer in the year 2011. Thereafter he was deputed for six months training at the State Forest Academy, Coimbatore. He joined the said training on 04.08.2011. Thereafter, he was deputed to the State Forest College, Coimbatore and all of a sudden, his promotion to the post of Forester was cancelled and he was reverted as Forest Guard.



3.1. The petitioner challenged the same by way of filing the Writ Petition in W.P.No.22917/2011 and the same was allowed on 23.02.2012. The petitioner gave a representation on 14.10.2017 to grant exemption from passing the Tests in the light of the Government orders in G.O.Ms. 1120 P&A.R (SG.M) Department dated 31.10.1984 and after including him in the promotion panel for the year 2017-2018 for promotion to the post of Forest Range Officer. According to the petitioner as per the government order in G.O.Ms.No.71, Environment and Forest Department dated 08.06.2017 the government have relaxed the relevant Special Rules for Tamil Nadu Forest Subordinate Service and reduced the qualifying service from 8 years to 6 years to the post of Foresters as on 15.08.2016 and they are otherwise fully qualified and suitable for promotion as Forest Rangers for the year 2016-17.

3.2. Hence the petitioner claims that his completion of 6 years as on 15.08.2016 as Forester can be taken into account for promoting him to the post of Forest Ranger. He further submitted that the petitioner had made more than 5 attempts to pass Forest Law Papers I and II and could not clear the same. So he gave a representation to exempt him from passing the above examinations in view of G.O.Ms. 1120 P&A.R (SG.M) Department dated 31.10.1984. But no order has been passed so far.



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4. The learned Government Advocate for the respondents submitted that the petitioner can get exemption under G.O.Ms. 1120 P&A.R (SG.M) Department dated 31.10.1984 but it is wrong on the part of the petitioner to claim that six years service in the post of Forester is the qualifying service for promotion to the post of Forest Ranger Officer. Even though a reference was made by the petitioner to a Government order in G.O.Ms.No.71, Environment and Forest Department dated 08.06.2017, in the said government order it was clearly stated that it was issued due to administrative necessity for giving promotion to the existing Foresters and it is an one time measure.

5. Hence it is submitted that the petitioner cannot claim it as a matter of right. As per Rule 5 (ii)(3) of the Special Rules for Tamil Nadu Forest Subordinate Service Rules, he ought to have completed 8 years of qualifying service in the post of Forester on crucial date for promotion for a panel year.

The petitioner has attained the eligibility of completing 8 years only during the year 2021-2022 on the crucial date of 15.08.2021. So the petitioner can be included only in the promotion panel of the year 2021 and not any time before.



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6. Even though the relaxation as stated by the petitioner, G.O.Ms.No.71, Environment and Forest Department dated 08.06.2017 is still available, that cannot be claimed as a matter of right and it is for the respondent authority to take a call and to consider the request for relaxation on a case to case basis. But the respondent ought to have passed an order on the representation given by the petitioner. So far, it is pending without any progress.

7. In view of the same this Writ Petition is partly allowed by directing the first respondent to consider the petitioners representation dated 04.10.2017 and pass appropriate orders on merits in accordance with law. So far as the relief seeking to set aside the impugned order passed by the 2nd respondent in Ref.No.M2/41028/2017 dated 01/11/2018 is concerned, the Writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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R.N.MANJULA, J.
jrs

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu
Environment and Forest Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator of Forest,
(Head of the Department)
Panagal Building,
Chennai 600 015.
3. The Divisional Forest Officer,
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