

(2013) 08 MAD CK 0281

In the Madras High Court

Case No : Writ Petition No. 23783 of 2013

A. Selvam

APPELLANT

Vs

The Principal Chief Conservator of Forests and The District
Forest Officer Thiruvannamalai North Division

RESPONDENT

Date of Decision : 29-08-2013

Acts Referred:

Citation : (2013) 08 MAD CK 0281

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : S. Mani, for the Appellant;

Judgement

D. Hariparanthaman, J.—The petitioner joined service as Plot Watcher on 1.1.1979 in the Forest Department on daily wage basis, while his junior S. Sivaprakasam joined as Plot Watcher in the same Department on the same basis in 1980. The petitioner brought under regular time scale of pay in the post of Forest Watcher with effect from 31.1.1995, while his junior Sivaprakasam was brought under the time scale of pay as Forest Watcher with effect from 7.2.1995.

2. Further more, the petitioner was promoted as Forest Guard on 9.7.2002, while his junior Sivaprakasam was promoted as Forest Guard on 19.7.2004.

3. The first respondent, as per the panel dated 17.4.2013, passed an order dated 18.4.2013, providing promotion of Forest Guards to the post of Foresters for the year 2011-2012. In the said order dated 18.4.2013, the name of the petitioner was not included, while the name of his junior Sivaprakasam was included in Serial No. 114 and he was promoted on 19.4.2013.

4. The petitioner made a representation dated 27.4.2013 to the first respondent seeking promotion to the post of Forester from the date on which his immediate junior was promoted. The petitioner also retired from service on 30.6.2013.

5. Now the petitioner has filed this Writ Petition seeking for a direction to the

respondents to promote him as Forester with effect from 19.4.2013 on par with his junior S. Sivaprakasam.

6. When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that a direction could be issued to the first respondent to dispose of his representation dated 27.4.2013.

7. I am not inclined to agree with the submission made by the learned counsel for the petitioner.

8. The petitioner should have questioned the panel for the year 2011-2012 fit for promotion to the post of Forester on the ground that his name was not included in the panel. The petitioner should have also questioned the consequential promotion given to his junior S. Sivaprakasam, impleading his junior as a party to the Writ Petition. Instead, he has chosen to file the Writ Petition simply seeking for a direction to dispose of his representation. It is not known as to why his name was not included in the panel. Therefore, the remedy available to the petitioner is to challenge the panel of the year 2011-2012 fit for promotion to the post of Forester. Hence, the Writ Petition fails and the same is dismissed. No costs. However, dismissal of the Writ Petition will not preclude the petitioner from challenging the panel of the year 2011-2012 for the post of Forester.