

W.P.(MD) No.18117 of 2016

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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Reserved On : 27.06.2025

Pronounced on : 03.07.2025

CORAM:

**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

W.P. (MD) No.18117 of 2016

P.Sakkarai,  
S/o.G.Pitchai,  
Forest Watcher (Rtd),  
8/47C, Nehruji Street,  
Palanganatham,  
Madurai - 625 003.

... Petitioner

Vs.

1. The Principal Chief Conservator of Forests,  
Panagal Buildings, Saidapet,  
Chennai - 600 015.  
The Conservator of Forests,  
Madurai Circle,  
Madurai - 625 002.

2. The Conservator of Forests,  
Madurai Circle,  
Madurai-2.

3. The District Forest Officer,  
Theni Division,  
Theni - 625 531.

4. The Wildlife Warden  
Megamalai Wildlife Division,  
Theni-625 531.

... Respondents



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**PRAYER in W.P.:**

To issue a direction, order or writ, especially in the nature of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 4<sup>th</sup> respondent relating to Na.Ka.No.4138/2015 E dated 30.12.2015, quash the same and issue consequential direction to the respondents 1 to 4 to grant all service benefits with retrospective effects including monetary benefits on par with juniors/batch mates duly considering the Petitioner's representation dated 27.05.2015.

**APPEARANCE OF PARTIES:**

For Petitioner : M/s.Pradebha Krishnan  
for Mr.M.Ravi

For Respondents : Mr.J.Ashok,  
Additional Government Pleader

### **J U D G M E N T**

Heard.

2. The Petitioner, long after his retirement from service as Forest Watcher on 30.04.2014, has filed the present writ petition seeking consideration of his representation dated 27.05.2015 and for grant of all consequential benefits allegedly due to him, including promotion.



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3. The petitioner contends that he and one Thiru K. Soundararajan were appointed as Forest Watchers on the same day in 1981, but while the latter was promoted as Forest Guard in Theni Division in 1987, he was denied promotion in the Kodaikanal Division despite their equal footing at the time of entry. He attributes this disparity to the bifurcation of the erstwhile Madurai Forest Division into four separate zones - Madurai, Dindigul, Kodaikanal, and Theni - and relies on a 1986 circular that, according to him, prescribed a unified seniority across these divisions.

4. In response, the learned Additional Government Pleader submits that the impugned order is valid and in consonance with the policy of maintaining zonal seniority post-bifurcation. The person cited for comparison belonged to Theni Division, which maintained a separate seniority roster, whereas the petitioner belonged to Kodaikanal Division. Promotions were made strictly on the basis of availability of posts and seniority within each division. It was also pointed out that the petitioner had been placed under suspension and was subjected to disciplinary proceedings, culminating in reversion -events which had attained finality.

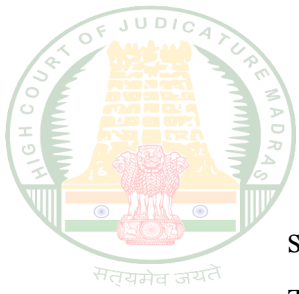


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**WEB COPY** 5. Pursuant to notice from this Court, the 4<sup>th</sup> Respondent has filed a counter affidavit dated 30.11.2016. In the said counter, objection has been raised to the inordinate delay on the part of the Petitioner in seeking relief by way of a belated representation. The Respondent has also drawn a comparison with another employee who was granted benefits, pointing out that such employee had not suffered any punishment during his service. The relevant portions of the counter affidavit may be usefully extracted below:-

“5. It is humbly submitted that the petitioner by giving a representation to the respondents after a long period from his retirement and created a cause of action and invited an order from the 4<sup>th</sup> respondent and filed a writ petition challenging that order. Creation of cause of action after a long period and filing of the present writ petition is not maintainable as held by the Hon’ble Apex Court in Nawal Kishore Sharma case reported in 2015-1 LW 810. So the present writ petition is liable to be dismissed.

8. I further state that whileso, by proceedings of the 1<sup>st</sup> respondent dated 09.04.1999 the petitioner was punished for reduction of pay to the bottom of time scale for 5 years with cumulative effect and he was also suffered reversion order of the 3<sup>rd</sup> respondent dated 13.05.1999 reverting the petitioner to the lower post. The petitioner challenged the



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same before the Hon'ble Tamil Nadu State Administrative Tribunal and on the strength of the interim order the petitioner was allowed to Join service and the said case was transferred as writ petitions before the Hon'ble High Court, Madras in WP. No. 41633 of 2006 & 19469/2007 which were dismissed on 26.06.2009. Subsequently the petitioner Joined the service on 03.12.2010 as Forest Watcher, he lost his seniority, he did not claim either his seniority or filed any appeal against any list of seniority or made any claim for his promotion during his service after dismissal of his writ petition and retired on 30.04.2014 without any claim for seniority or promotion. In fact, the petitioner was allowed to Join service as Forest Watcher from 1999 only on the basis of the interim order of the court.”

6. It has been held in ***C. Jacob v. Director of Geology & Mining***, reported in ***(2008) 10 SCC 115***, as follows:

“7. Every representation to the government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the department, the reply may be only to inform that the matter did not concern the department or to inform the appropriate department. Representations with incomplete



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particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.

8. When a direction is issued by a court/tribunal to consider or deal with the representation, usually the directee (person directed) examines the matter on merits, being under the impression that failure to do may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor amount to some kind of 'acknowledgment of a jural relationship' to give rise to a fresh cause of action.”

7. In the supra judgment it has been held that a belated representation cannot revive a dead cause of action, and that Courts ought not to lend assistance in such cases. Further, the petitioner cannot claim parity across zonal lines where administrative separations and distinct promotion panels prevailed. His reliance on the 1986 circular is misplaced. This Court finds no infirmity in the respondent’s approach and no case is made out for interference with the impugned order.



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**WEB COPY** 8. In view of the foregoing, this Court finds no merit in the writ petition. Accordingly, the Writ Petition will stand dismissed. However, there shall be no order as to costs.

**03.07.2025**

Index : Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS

To

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**DR. A.D. MARIA CLETE, J.**

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Pre-delivery judgment  
made in  
W.P. (MD) No.18117 of 2016

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