

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27498 of 2015

1.R.Veerappan
2.V.Subramani

.. Petitioners

vs

1.The Principal Chief Conservator of
Forests
Panagal Building
Saidapet, Chennai 600 015
2.The District Conservator of Forest
Dindigul Circle
Dindigul District
3.The Divisional Forest Officer
Crash Plantation Division
Thanthonimalai Post
Karur 639 005
Karur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to confer regular time scale of appointment to the petitioners in the cadre of Plot Watcher (Supernumerary Post) as per G.O.Ms.No.95, Forest Department, dated 7.8.2009, and in the light of the proposal sent by the third respondent in his proceedings Na.Ka.No.3039/13/P1 dated 12.11.2014, within a specified time limit.

For Petitioners : Mr.S.Mani

For Respondents : Mr.N.Inbanathan
Government Advocate (Forest)

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit, who is the first petitioner, would state that they/petitioners joined as Plot Watchers in the Forest Department, on daily wages on 1.6.1986, and subsequently, have been disengaged on 1.6.2006. He would further state that the Environment and Forest Department of Government of Tamil Nadu has issued G.O.Ms.No.64 dated 8.3.1999, in and by which, State Wide Seniority List was ordered to be drawn in respect of the persons, who had rendered 10 years of service or more on daily wage basis, and accordingly, State Wide Seniority List was drawn and the names of the petitioners were included in Serial Nos.4755 and 4878 respectively; but, were not brought under the regular time scale of pay on the basis of the State Wide Seniority List.

3.It is further stated by the first petitioner that one more Government Order in G.O.Ms.No.95 dated 7.8.2009, was issued by the Environment and Forest Department, wherein, it has been specifically ordered that all the Plot Watchers and Social Forestry Workers working in the Forest Department, be brought under the regular time scale of

pay provided their names are included in the State Wide Seniority List and it is made applicable in respect of the daily wage employees, who have been disengaged due to administrative reasons, and those, who had completed 10 years of service, be conferred with the said benefit and the petitioners, in this regard, submitted a representation dated 19.3.2014, based on which, the second respondent sought for a report from the third respondent, and the third respondent vide proceedings dated 19.3.2014, also made a positive recommendation in favour of the petitioners.

4.The grievance expressed by the petitioners, is that thereafter, nothing had happened so far and they have also submitted a representation dated 1.4.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

5.The learned Counsel appearing for the petitioners, has drawn the attention of this Court to the judgments dated 28.4.2010 and 29.4.2011, made in W.A.Nos.549 and 887 of 2010 respectively, and in similar facts and circumstances, this Court has confirmed the orders of the learned Single Judge to implement G.O.Ms.No.95, Environment and Forest Department, dated 7.8.2009, and since the petitioners are similarly placed, their request may be positively considered.

6.The Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate (Forest), who accepted notice on behalf of the respondents, also.

7.Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioner's representation dated 1.4.2015, by taking into consideration G.O.Ms.No.95, Environment and Forest (F-2) Department, dated 7.8.2009, as well as the proceedings of the third respondent dated 19.3.2014, in Na.Ka.No.3309/2013/P1, addressed to the second respondent, and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs.

02-09-2015

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nsv

M.SATHYANARAYANAN, J.

nsv

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