

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.20362 of 2015

and

M.P.No.1 of 2015

V.Palanivel

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai-9.
2. The Principal Chief Conservator of Forests,
No.15, Jeenis Road,
Panagal Building, Chennai-15.
3. The Conservator of Forests,
Villupuram Range and Division,
Villupuram Circle.
4. The District Forest Officer,
Villupuram Forest Division,
Villupuram.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the 4th respondent relating to the proceedings dated 07.03.2011 bearing Ref. No.Na.Ka.9286/2010 u2 and quash the same as illegal, arbitrary, unwarranted, unjustified and consequently direct the 4th respondent to promote the petitioner as Driver with all monetary and other service benefits which the petitioner would have been entitled to had the impugned proceedings of the respondents was not passed, award costs.

For Petitioner : Mr.S.Saravanakumar

For Respondents: Mr.N.Inbanathan,
Government Advocate (Pondicherry)

ORDER

The petitioner joined as a Plot Watcher on 01.06.1984. He has been assigned the State Wide Seniority List Number at 3605 as per G.O.Ms.No.95, Environmental and Forest Department (F-2), dated 07.08.2009.

2. The aforesaid Government Order provides for appointment of the persons as Drivers, if they possess proper driving license and physical fitness like good eye-sight. The aforesaid Government Order states that if the person possess the driving license and fitness, relaxation could be made with respect to age and seniority through the Employment Exchange. In these circumstances, the petitioner was considered for the post of driver. But he was not appointed by the impugned order dated 07.03.2011 of the fourth respondent on the sole ground that his height is 159.5 cms, while the required height is 160 cms.

3. It is not the case of the respondents that the petitioner does not possess driving license or that he does not possess required physical fitness.

4. The petitioner has been in service from 1984 onwards. The only reason for declining the post of driver is that his height is 159.5 cms, while the required height is 160 cms.

5. Taking into account the aforesaid Government Order, I am inclined to quash the impugned order. Accordingly, the impugned order of the fourth respondent dated 07.03.2011 is quashed and the Writ Petition is allowed and the fourth respondent is directed to appoint the petitioner as Driver and the first respondent is further directed to issue necessary relaxation in the matter of height, if necessary, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Jr1
To

1. The Secretary to Government,
The State of Tamil Nadu,
Environment and Forests Department,
Secretariat, Chennai-9.
2. The Principal Chief Conservator of Forests,
No.15, Jeenis Road,
Panagal Building, Chennai-15.
3. The Conservator of Forests,
Villupuram Range and Division,
Villupuram Circle.

4. The District Forest Officer,
Villupuram Forest Division,
Villupuram.

+2 cc to Mr.S.Saravanakumar(SR 34507)
+1 cc to Special Government Pleader
(Forest), sr.34703 (27/10/2105)

W.P.No.20362 of 2015

tej(co)

kra(24/07)



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