

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.NO. 1577 OF 2014 &

M.P.NO.1 OF 2014

S. Govindasami

... Petitioner

Vs.

The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai 600 015.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the order bearing Ref.No.LL2/37918/2013 dated 19.09.2013 on the file of the respondent, quash the same and consequently direct the respondents to appoint the petitioner as Forest Watcher in the Forest Department on the basis of the seniority No.2302 assigned to him in the State Wide Seniority List drawn by the respondent with all consequential service and monetary benefits.

For Petitioner : Mr.S. Mani

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

O R D E R

The claim made by the petitioner for appointment as Forest Watcher based on his seniority in the state wide list was rejected on the ground that he has not completed ten years of continuous service. The said order is challenged in this writ petition on the ground that it would run counter to Government Order in G.O.Ms.95 Environment and Forest Department dated 7.8.2009 and the judgment of this Court dated 29.4.2011 in W.A.No.887 of 2010.

2. The Writ Petitioner was appointed as Social Forestry Worker on 1.7.1982 on daily wages. The Government has taken a decision to regularise the services of Social Forestry Workers in Forest Department subject to seniority. The Government have drawn a seniority list and the same was published in G.O.Ms.95 Environment and Forest Department dated 7.8.2009. The name of the petitioner is found at serial No.2302. The petitioner claimed the benefits of the said Government Order and requested the respondent to appoint him as Forest Watcher. The said claim was rejected only on the ground that the petitioner failed to complete ten years of continuous service as Social Forestry Worker.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Forest) appearing for the respondent.

4. The issue raised by the petitioner is no more res integra, in view of the the Judgment of the Division Bench dated 29.4.2011 in W.A.No.887 of 2010. The Division Bench has quashed the stipulation regarding ten years of continuous service as a condition precedent for appointment as Plot Watchers as incorporated in G.O.Ms.95, dated 7th August 2009. In view of the said judgment, the respondent was not correct in rejecting the claim made by the petitioner for appointment as Forest Watcher. Therefore, I am of the view, the petitioner is entitled for appointment as Forest Watcher.

6. In the result, the writ petition is allowed and the impugned order dated 19.9.2013 passed by the respondent is set aside. The respondent is directed to consider the case of the petitioner for appointment as Forest Watcher, in the light of the Government Order in G.O.Ms.95 Environment and Forest Department, dated 7.8.2009 and the judgment in W.A.No.887 of 2010 dated 29.4.2011. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. No costs. The Connected M.P.No.1 of 2014 is closed.

-s/d-

Assistant Registrar(J)

Dt:23/2/2015

True Copy

Sub-Assistant Registrar

To

The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai 600 015.

+ 1 cc to Spl.Govt.Pleader(f) SR 5512.

+ 1 cc to M/s.S.Mani, Advocate SR 5449

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prk24/2

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