

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.280 of 2014 and
M.P.No.1 of 2014

M.Ettiyan

...Petitioner

Vs.

1.State of Tamil Nadu rep. by Secretary,
Environment and Forests (FR2) Department,
Fort St.George, Chennai.

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

3.The District Forest Officer,
Villupuram.

4.V.Mayakannan

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, to call for the records relating to the order in G.O.Ms.No.95 Environment and Forests (FR2) Department, dated 07.08.2009 passed by the first respondent herein and the consequential order in proceeding A.No.7170/2009/P2 dated 31.08.2009 passed by the third respondent herein and quash the same and further direct the respondents to appoint the petitioner from the date on which the fourth respondent was appointed as Plot Watcher and pay all monetary benefits, seniority and other consequential benefits.

For Petitioner : Mr.K.Vasudevan

For Respondents : Mr.M.K.Subramanian
Special Govt. Pleader (F)
for R1 to R3

O R D E R

The petitioner initially worked as temporary Plot Watcher with effect from 01.05.1983. The Government of Tamilnadu taking into account the fact that temporary Plot Watchers have been working for years together issued an order in G.O.Ms.No.64

Environment and Forests Department, dated 08.03.1999 for preparation of Statewide Seniority list of Plot watchers and Social Forestry Workers for the purpose of their absorption. The name of the petitioner is found in the Statewide Seniority list at Serial No.2723. It is the grievance of the petitioner that notwithstanding his seniority position, the 4th respondent, whose seniority is 2739 was considered for regularization in the post of Plot Watcher. The petitioner is therefore before this Court challenging the rejection of his candidature for appointment.

2. The third respondent in his counter affidavit contended that the petitioner failed to satisfy the requirement with regard to height and that was the reason for non-consideration of his case for appointment to the post of Plot Watcher.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader on behalf of the respondents 1 to 3.

4. The issue raised by the petitioner is no more res integra in view of the judgment of the Division Bench dated 29.04.2011 in W.A.No.887 of 2010 and W.P.No.9750 of 2010.

5. The Division Bench was pleased to consider the legality and correctness of the Government Order in G.O.Ms.Nos.64, 65 and 95 dated 06.03.1999, 08.03.1999 and 07.08.2009 and held that such of those employees whose names were included in the Statewide Seniority list got a right to claim appointment.

6. The Government have issued the order in G.O.Ms.No.64 only for the purpose of relaxing the conditions for the purpose of absorbing the Plot Watchers as regular government servants. The third respondent therefore was not correct in contending that the height of the petitioner was not upto the requirement and as such his case was not considered. I am therefore of the view that the impugned order is liable to be set aside.

7. In the result, the impugned order dated 31.08.2009 is set aside and the matter is remitted to the third respondent for fresh consideration. The third respondent is directed to consider the case of the petitioner for appointment to the post of Plot Watcher taking into account his seniority position and in the light of the order in G.O.Ms.No.95 Environment and Forests Department, dated 07.08.2009 and the judgment of the Division Bench dated 29.04.2011 in W.A.No.887 of 2010 and W.P.No.9750 of 2010. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is allowed as indicated above. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

svki

To

- 1.The Secretary,
Environment and Forests (FR2) Department,
Fort St.George, Chennai.
- 2.The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Chennai.
- 3.The District Forest Officer,
Villupuram.

1 cc to Mr.K. Vasudevan, advocate, Sr. 5234
1 cc to Special GP (Forests), sr. 4486

W.P.No.280 of 2014

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