

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30107 of 2015

E.Shanmugam

... Petitioner

-Vs-

1. Government of Tamil Nadu,
Rep. By its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District Forest Officer
Thiruvallure District,
Thiruvallure.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 20.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits including the pension benefits based on petitioner representation dated 24.08.2015.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest).

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as Forest Watcher/Plot Watcher on 07.02.1981 on a consolidated pay basis and he was given promotion as Forest Watcher on 28.04.2004 and subsequently got promotion as Forester Guard on 24.04.2012 and he was permitted to retire on attaining the age of superannuation on 30.06.2013. It is stated by the petitioner that G.O.Ms.No.332 Environment And Forests (FR. VI) Department was passed by the 1st respondent on 22.12.1994 based on the educational qualification of the Plot Watchers and their services were regularised on 29.03.2003, vide G.O.Ms.No.64 Environment And Forests (FR. II) Department. Though the name of the petitioner was placed in the seniority list for the post of Forester Watcher, he was not promoted and whereas his juniors were promoted and also conferred with regular time scale of pay. The petitioner also expressed his grievance that several Forester Watchers, who were juniors to the petitioner, was brought into time scale of pay. Similar persons like that of the petitioner has approached this Court by filing W.P.No.15561 of 2006 and this Court disposed of the writ petition by passing a positive order and aggrieved by the same, the official respondents preferred an appeal and the said appeal was also dismissed on 13.10.2009. The similar benefit has not been conferred to the petitioner and in this regard, the petitioner has submitted a representation dated 24.08.2015 to the respondent and since no order has been passed, the petitioner came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the second respondent, vide proceedings dated 04.02.2013 and 24.06.2013, has implemented the orders of this Court and granted benefits to the persons, who were similarly placed like that of the petitioner and hence, prays for appropriate orders.

4. Heard the submission of Mr.N.Inbanathan, Government Advocate (Forest), who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 24.08.2015 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after taking note of the proceedings of the second respondent

dated 04.02.2013 and 24.06.2013 and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsm

To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District ForestOffice,
Thiruvallur district.
Thiruvallure.

+1 cc to spl.Government Pleader(sr.52095)
+1 cc to Mr.C.Prabakaran,Advocate(sr.52085)

SAI(co)
cp 09/10/2015

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