

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.30717 of 2015
& M.P.No.1 of 2015

D.Subramanian

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Forest Plantation Corporation,
Karur road, Mallachipuram,
Kambarasampettai, Tiruchirapalli - 620 101.
2. The Chairman,
Tamil Nadu Forest Plantation Corporation,
30, Gandhimandapam Road,
Kotturpuram, Chennai - 85.
3. Government of Tamil Nadu,
rep. by the Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents herein to consider the claim of the petitioner for appointment as Forester notionally with effect from the date of his initial appointment as Forest Guard on compassionate grounds and to grant him all consequential benefits.

For Petitioner : Mrs.N.Revathy
for Mr.M.Ravi

For Respondents : Mr.N.Inbanathan,
Government Advocate

O R D E R

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

2. The petitioner's father, while serving as Office Assistant in Sivagangai Revenue District, died in harness. Therefore, the petitioner applied for appointment on compassionate ground. The Regional Manager, Tamil Nadu Forest Plantation Corporation (TAFCON), Karaikudi, vide letter dated 10.08.2009, requested the District Collector, Sivagangai to sponsor candidates from the waiting list for appointment as Forest Guard and the District Collector furnished the list to the Regional Manager, TAFCON, Karaikudi by including the name of the petitioner. Thereafter, the petitioner was appointed as Forest Guard vide order dated 09.10.2009 and after joining the said post, he also passed necessary departmental tests and had undergone six months training for Forest Guard in Forest Training College, Vaigai Dam. In the seniority list of the Forest Guards, as on 01.01.2013, the name of the petitioner finds place in Serial No.45.

3. The grievance expressed by the petitioner is that his appointment is yet to be regularised as Forester and in this regard, he submitted a representation dated 19.6.2015 to the respondents. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court passed a positive order dated 27.1.2014 made in W.P.No.28670 of 2011 and hence the petitioner may be conferred with the benefit of regularisation as Forester.

5. This Court heard the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate, who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above-said facts and circumstances and without going into the merits of the same, directs the third respondent to consider the representation of the petitioner dated 19.6.2015 and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.
Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Forest Plantation Corporation,
Karur road, Mallachipuram,
Kambarasampettai, Tiruchirapalli - 620 101.
2. The Chairman,
Tamil Nadu Forest Plantation Corporation,
30, Gandhimandapam Road,
Kotturpuram, Chennai - 85.
3. Government of Tamil Nadu,
rep. by the Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.M.Ravi, Advocate, S.R.No.53515
+1cc to the Government Pleader, S.R.No.52855

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TS (CO)
CA(12/10/2015)

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