

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31757 of 2015

G.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,
Thiruvallur District,
Thiruvallur.
- Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to fix 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 29.3.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits including the pension benefits based on the petitioner's representation dated 18.09.2015.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.N.Inbanathan, G.A.(Forest)

O R D E R

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

2. The petitioner was appointed as Forest Watcher/Garden Watcher in the Forest Department on 01.05.1982 on daily wage basis. He was engaged in that capacity for over two decades and subsequently he has been brought into regular time scale of pay of Forest Watcher, which is a cadre post, on 14.12.2004 and his name has been included in the State wide seniority list repeatedly from the year 1994. The petitioner was given promotion as a Forest Guard vide proceedings of the third respondent dated 16.2.2012 and on attaining the age of superannuation, he retired from service on 31.8.2015.

3. The petitioner would further state that in the year 1994, in terms of G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, SSLC has been prescribed as general educational qualification for bringing the concerned workers into regular time scale. Therefore, very many original applications were filed before the Tamil Nadu Administrative Tribunal and obtained interim stay of the operation of the above-said Government Order. Even though some persons have passed SSLC and were given regular time scale of appointment as Forest Watcher in the year 1995, by virtue of the interim order passed by the Tribunal, they could not join the regular post of Forest Watcher. In order to get over the difficulty, the Government issued another order in G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, whereby, the earlier G.O.Ms.No.332 dated 22.12.1994 was superseded and thereby, removed the prescription of SSLC as a qualification for appointment to the post of Plot Watchers.

4. The grievance of the petitioner in this case is that the respondents without following the State wide seniority list has regularized the service of some of the juniors of the petitioners, namely, G.Venkatachalam and others in Seniority Nos.1504, 2001, 2086, 2258, 2964 and hence, number of persons have filed W.P.Nos.15561 of 2006 and 23374 of 2008 before this Court praying for appropriate direction to consider the claim for appointment of Forest Watcher on par with the juniors and this Court also gave a direction to consider the claim of the petitioners therein. As against this, Writ Appeals were filed in W.A.Nos.690 of 2008 and 607 of 2010, which were ended in dismissal. Therefore, the respondents have implemented the orders passed by this Court dated 15.11.2010 and 07.01.2011. The petitioner, in this regard, submitted a representation dated 18.09.2015 to the respondents. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances of the case, directs respondents 2 and 3 to consider the representation of the petitioner dated 18.09.2015 and pass orders on merits and in accordance with law within a period of eight 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.C. Prabhakaran, Advocate, S.R.No.54523
+1cc to the Government Pleader, S.R.No.54603

KU(CO)
EU(16/10/2015)

सत्यमेव जयते

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