

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34153 of 2015

K.Manigandan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of
Forest & Head of the Forest Force,
Panagal Building,
Saidapet,
Chennai - 15.

3.The Divisional Forest Officer,
Social Forestry Division,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's claim with regard to compassionate appointment in the light of the judgment of the Hon'ble First Bench of this Court in W.A.No.524 of 2012 dated 16.04.2012.

For Petitioner : Ms.K.Jenitha

For Respondents: Mr.M.K.Subramanian
Special Government Pleader (Forest)

O R D E R

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

2. The petitioner would state that his father was appointed as Social Forestry Worker through Employment Exchange on

03.11.1983 and vide G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, his service were brought into regular time scale of pay in supernumerary post and he has conferred with all benefits as that of the Government Servant. The 1st respondent has issued G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 for preparation of State Wide Seniority List of Social Forestry Workers/Plot Watchers by taking into account the initial date of appointment of the daily wage workers in the Forest Department for the purpose of bringing them under regular time scale of pay and to confer all other benefits. The name of the petitioner's father was in Serial No.3139 based on his initial date of appointment. The petitioner's father had put in 27 years of service and his service were also brought into regular time scale of pay in supernumerary post and though he made several representations for regularization of his service as Forest Watcher, no response is forthcoming and he died on 02.02.2010 in harness leaving behind his wife and three sons.

3. The petitioner would claim that he possessed the qualification of Engineering, and since his father was the sole breadwinner of the family, due to his sudden demise, his family is left in lurch. The mother of the petitioner also submitted a representation dated 10.10.2010 praying for compassionate appointment to the petitioner and the petitioner has also submitted a representation dated 09.02.2015 for the same relief and since no orders have been passed, he came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit since the service of the petitioner's father was brought under regular time scale of pay and that he had already put in 27 years of service, there cannot be any impediment on the part of the respondents to consider the claim of the petitioner for compassionate appointment and prays for appropriate orders.

5. Heard the submissions of Mr.M.K.Subramanian, learned Special Government Pleader (Forest), who accepts notice on behalf of the respondents.

6. The Division Bench of this Court in W.A.No.524 of 2012 has held that the deceased employee therein was in continuous service for a period of 26 years and therefore, the contention put forth on behalf of the appellant/official respondents that the services of the deceased employee were not regularized is absolutely mischievous and capricious. Therefore, upheld the order of the learned Single Judge and dismissed the Writ Appeal. In the light of the said judgment, it is not open to the official respondents to take a stand that the service of the petitioner have not been regularized.

7. This Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 09.02.2015, on merits and in accordance with law and pass orders 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.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of
Forest & Head of the Forest Force,
Panagal Building,
Saidapet,
Chennai - 15.

3.The Divisional Forest Officer,
Social Forestry Division,
Trichy.

+1 cc to Special Government Pleader (Forest), XXVII, sr.58693

bvr co
kra 16/11/2015

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