

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34210 of 2015

V.Sundaresan

... Petitioner

-Vs-

1.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Forest Officer,
Thiruvannamalai North Division,
Polur,
Thiruvannamalai District.

3.The Forest Range Officer,
Gene Pool Range
Nadugani - 643 211
The Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to include the name of the petitioner in the State wide seniority list in the appropriate place so as to enable the petitioner to get appointment as plot watcher (supernumerary) as per G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 with all consequential benefits.

For Petitioner : Mr.S.Mani

For Respondents: Mr.J.Inbanathan
Government Advocate (Forest)

O R D E R

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

2. The petitioner joined as a Herbarium Assistant and Field Assistant on daily wage basis in the Forest Department on 01.06.1996 and continued till July 2012 for about 16 years. Thereafter, he was stopped from being engaged on daily wage basis by citing administrative reasons. Thereafter, the petitioner re-joined the said post during August 2013 and worked

till April 2014 and thereafter, he was not engaged by citing administrative reasons. The Forest Department has prepared the State wide seniority list from among daily wages workers for the purpose of regularization of their service in the cadre of Forest Watcher.

3. The grievance expressed by the petitioner is that his name was not included in the State Wide seniority list. The service of the petitioner was dispensed with and he was not assigned any work after April 2014. It is the specific case of the petitioner that though the names of similarly persons have been included, for the reasons best known to the official respondents, his name has been omitted and hence, the petitioner came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that in terms of G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, the petitioner is entitled to be appointed as a Forest Watcher in a regular vacancy and in this regard, one Annamalai has filed W.P.No.21067 of 2009 and it was allowed on 01.12.2009 and W.A.No.549 of 2010 filed by the official respondent was also dismissed on 28.04.2010 and the Special Leave Petition preferred by the official respondent has also ended in dismissal on 26.10.2010 and hence, prays for appropriate orders.

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

6. Though the petitioner prayed for larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the respondents to consider and dispose of the petitioner's representation dated 16.05.2013 on merits and in accordance with law after taking note of the above cited Court orders and pass orders 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/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

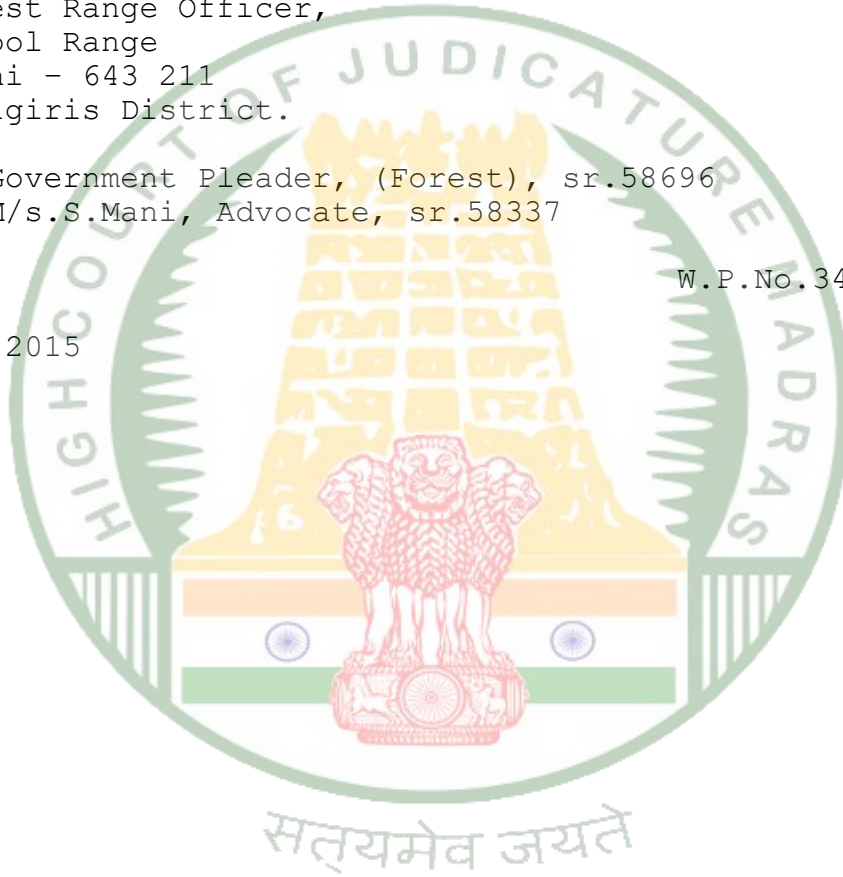
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Thiruvannamalai North Division,
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The Nilgiris District.

+1 cc to Government Pleader, (Forest), sr.58696
+1 cc to M/s.S.Mani, Advocate, sr.58337

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ar co
kra 23.11.2015



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