

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.3823 of 2015

V.Letchumanan

.. Petitioner

Vs.

1. State of Tamil Nadu
Rep.by its Principal Secretary to Government
Forest Department
Secretariat
Chennai 9

2.The Principal Chief Conservator of Forests
Panagal building, Saidapet
Chennai 15

3.The District Forest Officer
Pudukottai District
Pudukottai

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus to direct the respondents 1 and 2 to pass appropriate orders on the representation dated 19.06.2012 and 16.07.2012 made by the petitioner for appointment to any suitable post on compassionate grounds based on his educational and other qualifications.

For Petitioner : Mr.P.Ganapathy
For Respondents : Mr.N.Inbanathan,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Forest) on behalf of the respondents.

2. The petitioner is the son of Thiru Vellaisami, who was initially appointed as a Plot Watcher. The appointment was made by the Forest Department on 1.6.1980. Subsequently, the Government have issued an order directing preparation of statewide seniority list of

Plot Watchers for the purpose of regularization. The name of Thiru Vellaisami was included at Serial No.2113.

3. It is the case of the petitioner that even before absorbing him to the post of Plot Watcher, Thiru Vellaisamy died in harness on 5.9.2006, leaving behind his widow and three children, including the petitioner.

4. The petitioner submitted an application for compassionate appointment on 16.10.2006. The said application was rejected on the ground that there was no Rule for giving compassionate appointment to those who were engaged on daily wages. Subsequently, the petitioner made another representation for compassionate appointment.

5. According to the petitioner, under similar circumstances, this Court passed an order dated 13.12.2013 in W.P.No.29370 of 2011, directing the respondents to consider the cases of Plot Watchers who were appointed on daily wages for compassionate appointment. Similar order was passed by this Court in W.P.No.23300 of 2014. The petitioner is similarly situated and as such he seeks a direction to the respondents to consider his representation for compassionate appointment.

6. There is no dispute that the name of the father of the petitioner was included in the statewide seniority list vide Serial No.2113. The Government have made it very clear that all those whose names are included in the statewide seniority list would be absorbed as Forest Watchers, taking into account the vacancies. It is also a matter of record that even before issuing order of absorption, the father of the petitioner died in harness. The case of the petitioner cannot be rejected on the ground that his father was only a casual labourer. By including the name in the statewide seniority list, the father of the petitioner acquired a vested right for appointment in the next available vacancy. It is also a matter of record that those who were juniors to him were absorbed in service. I am therefore of the view that the representation of the petitioner for compassionate appointment should be considered in the light of statewide seniority list prepared by the Forest Department pursuant to the Government Order in G.O.Ms.No.64, Environment and Forest Department dated 8.3.1999.

7. In the result, a writ in the nature of a writ of mandamus is issued, directing the second respondent to consider and dispose of the representation submitted by the petitioner dated 19.06.2012 on merits and as per law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. The petitioner is directed to forward a copy of the representation to the second respondent along with a copy of this

order so as to enable the said authority to decide the issue, within the aforesaid time.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. Principal Secretary to Government
State of Tamil Nadu
Forest Department
Secretariat
Chennai 9
 2. The Principal Chief Conservator of Forests
Panagal building, Saidapet
Chennai 15
 3. The District Forest Officer
Pudukottai District
Pudukottai
- +1 cc to Mr.R.Marya Bandhu, Advocate, SR.16909
- +1 cc to spl.Government Pleader, SR.16915.

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krd 1/4

W.P.No.3823 of 2015

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