

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No. 7291 of 2015
and
M.P.No.1 of 2015

1.R.Chakravarthi
2.K.Selvaraj
3.M.Ganesan
4.A.Rajangam
5.P.Chinnasamy
6.M.Fakkir Mohamed
7.Alamelu
8.G.Ariyan
9.A.Pitchamuthu
10.A.Poomalai
11.G.Chakravarthi
12.P.Periyasamy
13.V.Rajamanickam

... Petitioners

.Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forests Department,
Secretariat, Chennai-600009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-600015.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to appoint the petitioners as regular Time Scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.03.2008, W.A.No.690/2008 dated 13.10.2009, W.P.No.23374/2008 dated 30.10.2009, W.A.No.607/2010 dated 29.03.2010 and proceedings of the 2nd Respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.N.Inbanathan
Government Advocate

O R D E R

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

2. The Writ Petitioners were appointed as Social Forestry Workers/Plot Watchers during the years 1978 to 1986 and from the date of appointment, they have been continuously engaged by the respondents on daily rated basis. The qualification of some of the petitioners are that they have passed the S.S.L.C. Examination.

3. It is the grievance of the petitioners that number of juniors were appointed as Forest Watchers and they were also subsequently promoted as Forest Guard, while the petitioners remain as daily wagers. The petitioners have also stated their Seniority Numbers as follows :

Sl.No	Name	Date of Appointment	Date on which brought into cadre post of Forest Watcher and or promoted as Forest Guard	Seniority No. in State Wide List drawn during 1994	Seniority No. in State Wide List Drawn during 1999
1	R.Chakravarti	01.06.1980	07.03.2007 (FW)	857	879
2	K.Selvaraj	01.07.1986	12.03.2014 (FW)	--	4776
3	M.Ganesan	01.06.1980	21.03.2003 (FW)	848	870
4	A.Rajangam	01.11.1981	07.08.2009 (SNPW)	564	1549

Sl.No	Name	Date of Appointment	Date on which brought into cadre post of Forest Watcher and or promoted as Forest Guard	Seniority No. in State Wide List drawn during 1994	Seniority No. in State Wide List Drawn during 1999
5	P.Chinnasamy	01.12.1980	07.05.2003 (FW)	134	1070
6	M.Fakir Mohamed	01.02.1981	27.08.2003 (FW)	203	1153
7	Alamelu	01.12.1981	29.07.2004 (FW)	605	1593
8	G.Ariyan	01.03.1980	05.03.2003 (FW)	766	765
10	A.Pitchamuthu	01.03.1978	01.01.2000 (FW)	338	343
11	A.Poomalai	01.01.1981	29.09.2004 (FW)	--	1131B
12	G.Chakravarti	21.10.1979	07.03.2003 (M)	627	640
13	P.Periyasamy	01.07.1981	11.12.2003 (FW)	--	1344
14	V.Rajamanickam	01.05.1983	07.10.2008 (FW)	--	2688

However, the respondents have appointed juniors of the petitioners numbering 9 as Forest Watchers in the regular time-scale on the basis of the educational qualification . Whereas, the petitioners are still languishing for the same. The list of 9 Forest Watchers is as follows:

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Sl .N o	Name	Date of Appointment	Seniority No.	Date on Regular Appointment	Unit at the time of selectio n as Forest Watcher
1	S.Kandasamy	01.01.1981	182	20.01.1995	I.F.F. Salem
2	A.Sethuraman	01.02.1982	693	23.01.1995	S.F. Madurai
3	R.Kothandaraman	01.12.1984	2964	02.02.1995	S.F. Villupur am
4	A.Selvaraj	22.12.1982	1361	28.01.1995	S.F. Madurai
5	G.Venkatesan	17.02.1983	1504	24.01.1995	I.F.F. Salem
6	R.Narasimhan	15.08.1983	2001	24.01.1995	S.F. Trichy
7	A.Antonymsamy	16.09.1983	2086	09.02.1995	S.F. Tanjore
8	C.Sundarraaj	16.01.1984	2386	24.01.1995	I.F.F. Salem
9	K.Nagarajan	01.07.1984	2637	27.01.1995	I.F.F. Salem

In these circumstances, the petitioners have come forward with this Writ Petition seeking direction to the respondents to appoint them as regular time scale Forest Watchers taking into account their seniority and qualification on par with their juniors.

4. It is also stated that the petitioners made representation to the respondents on 04.09.2014, wherein the petitioners have explained that in a similar circumstance in P.Sundaram Vs. The Government of Tamil Nadu rep. by the

Secretary to Government, Environment and Forest Department, Fort St. George, Madras-9 and others in W.P.No.15561/2006, this Court by order dated 10.3.2008 has allowed the said Writ Petition taking into account that the junior of the petitioner therein who was below in the seniority list got promoted and a direction was issued that the petitioner therein must be promoted above the said junior who was promoted after the appointment of the petitioner therein. Quoting the said order of this Court, the representations have been proceeded. The petitioners have also referred to several other orders passed by this Court in 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 29.03.2010 and W.P.Nos.22776 to 22787 of 2014 dated 22.08.2014.

5. The learned counsel appearing for the respondents 1 and 2 has brought to the notice of this Court that the Government has issued G.O.Ms.No.95, Environment and Forests (FR.II) Department, dated 7.8.2009 in which the Government has passed orders granting time scale of pay to those persons who have been working as Forest Workers/Plot Watchers.

6. On a perusal of the said G.O., it is clear that the Government has taken a stand that the persons who have been working as Forest Workers for more than ten years should be granted time scale of pay and such grant is from the date of the order issued by the Government, namely, 7.8.2009 and the Government Order does not contain any clause for dealing with persons like the petitioners who have been holding the post as Forest Watchers in these years. Subsequent to the said G.O., the petitioners were not able to be further promoted. In such circumstances, I am of the considered view that the respondents 1 and 2 should be directed not only to take action as per G.O.Ms.No.95, Environment and Forests (FR-2) Department, dated 7.8.2009 for the purpose of granting regular time scale to the petitioners, but also to take note of the fact that many of the juniors of the petitioners who were subsequently appointed have been granted the regular scale and pass suitable orders.

7. In such view of the matter, the respondents 1 and 2 are directed to consider the representation of the petitioners dated 04.09.2014 for the purpose of granting regularisation of the service of the petitioners not only on the basis of G.O.Ms.No.95, Environment and Forests (FR-2) Department, dated 7.8.2009, but also taking note of the appointment of the subsequent juniors who have got further promotions and pass orders on merits and in accordance with law, as expeditiously as

possible, in any event, within a period of twelve weeks from the date of receipt of a copy of this Order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forests Department,
Secretariat, Chennai-600009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-600015.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.65541

+1cc to the Government Pleader, S.R.No.65568

W.P.No.7291 of 2015

VS (CO)
CA(16/12/2015)

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