



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.16518 of 2015

and

M.P (MD) No.1 of 2015

Y.Thinamani

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Environment & Forest Department,
Fort St. George,
Chennai.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
3. The Divisional Forest Officer,
Social Forestry Division,
Tiruchendur,
Tuticorin District.
4. The Forest Range Officer,
Forest Range Office,
Social Forestry Range,
Ettaiyapuram,
Tuticorin District.
5. The Commissioner of Panchayat Union,
Pudur Panchayat Union,
Vilathikulam,
Tuticorin District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the second respondent to instruct the third respondent to issue necessary orders to absorb/reinstate in Social Forestry Department as Forest Watcher with continuity of service with full backwages and all attendant benefits.



For Petitioner : Mr.R.Murugan
For RR 1 to 4 : Mr.R.Anandharaj
Government Advocate
For R - 5 : Mr.K.P.Krishnadas
Government Advocate

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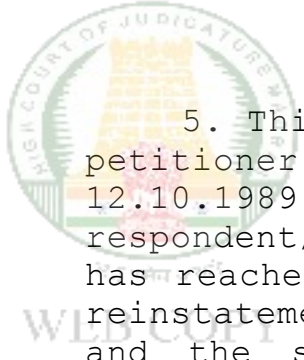
ORDER

This Writ Petition has been filed by Y.Thinamani, seeking a Writ of Mandamus to direct the second respondent to instruct the third respondent to issue necessary orders to absorb/reinstate in Social Forestry Department as Forest Watcher with continuity of service with full backwages and all attendant benefits.

2. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

3. According to the petitioner, he has been recruited as Social Forest Watcher on 06.06.1985 by the third respondent. After joining the service as Social Forest Watcher on 15.06.1985, by proceeding No.4679 of 1981/V1, dated 08.09.1989, the second respondent transferred 600 village Social Forest Watchers to Panchayat Union with a direction to absorb them in the vacancies available in the respective panchayats. Initially, 17 Social Forest Watchers were relieved on 08.09.1989. Among these Social Forest Watchers, the petitioner was in Serial No.13.

4. Subsequently, by another proceedings No.Na.Ka.A1/5757/89, dated 12.10.1989, six persons were relieved from the office of the fifth respondent on 12.10.1989, in which, the petitioner was shown in Serial No.1. Immediately, the petitioner approached the fourth respondent with a request to issue necessary placement order in the parent department as Social Forest Watcher. The third respondent informed the petitioner that suitable orders will be passed. However, till date the respondents have not passed any suitable orders. Thereafter, the petitioner made several representations to the respondents, but there was no response. Subsequently, after some time, when the petitioner made a representation on 15.09.2012 to the second respondent, he was informed by a letter dated 30.11.2012 to submit a representation through proper channel. As per the said instruction, the petitioner has made a representation, but he was not able to get any positive response. Therefore, he has come forward with this Writ Petition.



5. This Court is not able to consider the said request of the petitioner for the reason that the petitioner was relieved on 12.10.1989. Thereafter, for the reasons best known to the respondent/Department, he was not reinstated. In the meantime, he has reached the age of 58 years today. Therefore, the prayer for reinstatement cannot be ordered. Hence, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

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5. The Commissioner of Panchayat Union,
Pudur Panchayat Union,
Vilathikulam,
Tuticorin District.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 53969
- + 1 CC TO M/S.K.P.KRISHNADOSS, ADVOCATE IN SR NO. 53894
- + 1 CC TO M/S.R.MURUGAN, ADVOCATE IN SR NO. 53718

PS

TE/JGB/: 29/10/2015 : 3P/9C

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and

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11.09.2015