

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.11239/2015 & M.P.No.1/2015
and WMP No.16966/2016

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Petitioner

Versus

1. The State of Tamilnadu
rep.by the Secretary to Govt.,
Environment & Forest (F2) Government,
Secretariat, Chennai - 9.

2.The Principal Chief Conservator of Forests,
1, Jeenis Road,
Panagal Building, Saidapet,
Chennai - 15.

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents to regularize the service of the petitioner in the post of Plot Watcher as per G.O.Ms.No.202 E&F (F-2) Dept., dated 18.12.13 with effect from the date of completion of 10 years of service with all monetary and service benefits.

For Petitioner Mr.Singaravelan,
Senior Counsel for
Mrs.M.Srividhya

For Respondents Mr.Karthikeyan
for R1 & R2

ORDER

The petitioner has filed the above writ petition seeking for a direction to the respondents to regularize the service of the petitioner in the post of Plot Watcher as per G.O.Ms.No.202 E&F (F-2) Dept., dated 18.12.13 with effect from the date of completion of 10 years of service with all monetary and service benefits.

2. The case of the petitioner is that he was appointed as Plot Watcher by direct recruitment on merits on 12.01.1991 in Madurandhagam Range and subsequently he was working as Plot Watcher in Madurandhagam Social Forestry, Fuel Division,

Chengalpet Range and at present he is working in Madurandhagam Range in the same post. Though the petitioner is working in the respondent department for the past 14 years, his service was not regularized but he is entitled to be regularized either in the post of Plot Watcher or Forest Watcher. Moreover, the petitioner has been working in the Social Forestry Division and put up 14 years of service but his name has not been included in the State list of Plot Watcher / Social Forestry Watcher as notified in G.O.Ms.No.64 dated 08.03.1999, without any reason.

3. It is the further case of the petitioner that his name ought to have been included in the State List as he has been working in the said division from 08.03.1999, i.e. the date of G.O.Ms.No.64 dated 08.03.1999. The Statewide Seniority List was drawn on 01.02.1993 for 5442 persons at first on 13.02.1999 and later 79 persons were included in the said list, totalling to 5521 persons whereas the name of the petitioner was not included. Therefore, citing all the above G.Os and the order passed by this court in the writ petitions, the petitioner has given a representation on 27.03.2015 to the first respondent but till date no order has been passed. Hence, the petitioner is before this court by way of this writ petition.

4. Heard Mr.Singaravelan, learned Senior Counsel appearing for the petitioner and Mr.Karthikeyan, learned counsel appearing for the respondents.

5. A perusal of the Government Orders in G.O.Ms.No.64 dated 08.03.1999 and G.O.Ms.No.202 dated 18.12.2013 would clearly reveal that the persons included in the said G.O. were appointed in the supernumerary post carrying the pay of Rs.2500/- to 5000/- with Special Pay of Rs.500/- from 18.12.2013.

6. In the considered opinion of this court, this petitioner is also entitled to get the above benefit as per G.O.Ms.No.202 E&F (F-2) Dept., dated 18.12.13 with effect from the date of completion of ten years of service with all monetary and service benefits. In view of the above circumstances, the first respondent is directed to consider the petitioner's representation dated 27.03.2015, in the light of G.O.Ms.No.202 E&F (F-2) Dept., dated 18.12.2013 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of the order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

RGR

To

1.The Secretary to Government
Environment & Forests(F2)Department
Secretariat, Chennai-9

2.The Principal Chief Conservator of Forests
No.1 Jeenis Road,
Panagal Building, Saidapet,
Chennai-15

+1 cc to Mr.M.Srividhya Advocate sr.28929
+1 cc to the Special Government Pleader(Forest)
sr.28942

WP.No.11239/2016

rgr(co)
aa10/06/2016

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