

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.20734 of 2012
MP.Nos.1 and 2 of 2012

R.Govindaraji

Petitioner

Vs

1 State of Tamil Nadu rep by Secretary,
Forest Department
Fort St.George, Chennai-9

2 The Principle Chief Conservator of Forests
Panagal Building, Chennai-15

3 Forest Ranger, Rural Fuel Wood Range
Thirupathur, Vellore

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in Ref.No.LL1/40464/2010, dated 22.3.2012 and to quash the same and to direct the Respondents to include the name of the Petitioner in statewide seniority list prepared for the purpose of regularisation.

For Petitioner : Mr.K.Vasudevan

For Respondent : Mr.Inbanathan, Standing Counsel
for forest

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in Ref.No.LL1/40464/2010, dated 22.3.2012 and to quash the same and to direct the Respondents to include the name of the Petitioner in statewide seniority list prepared for the purpose of regularisation.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the Petitioner, he had worked in the Palar Water Shed Development Project, Vaniyampadi, as the Plot Mazdoor under the Forest Range Officer between the period from 1.9.1993 to 8.2.1996. Thereafter, he had been working till 2003. The 3rd Respondent by letter dated 2.1.2003 informed that his services will be regularised after the Government took a decision. Thereafter, since his name was not included in the seniority list, he filed WP.1848 of 2009 for regularisation. In the said Writ Petition, this court directed the 2nd Respondent to dispose of the representation of the Petitioner. However, without verifying the records, the 2nd Respondent wantonly rejected the claim of the Petitioner. As against the same, the Petitioner filed another WP.15160 of 2009, wherein, this court directed the Petitioner to make a fresh representation and on such representation, the 3rd Respondent was directed to pass orders, in accordance with law. Thereafter, the Petitioner submitted all the certificates to the 3rd Respondent. Even on verification of the service particulars, he was found to have worked from 1.9.1993 to 31.3.1998 in the Palar Scheme and for 50 days from 20.10.1997 to 12.12.1997 in the Thirupathur Range. In spite of the same, though the Petitioner is fully qualified, his name was not considered for regularisation. There is also no cut off date fixed in the Government Order. Therefore, the impugned order, stating that he was working only from 1.9.1993 and hence, he is not eligible for regularisation, is not sustainable. Hence, this Writ Petition has been filed.

4. The learned counsel for the Respondents, by filing a detailed counter, has submitted that the claim of the Petitioner that he has served continuously for 14 years is not correct, inasmuch as, as per the certificate obtained from the Range Officer, Palar Watershed Project, he had worked from 1.9.1993 to 8.2.1996 and 9.2.1996 to 31.3.1998, but whereas he has worked in Tirupattur during 20.10.1997 to 10.12.1997 as per the Range Cash Book and as per the service details, the Petitioner had worked only for 4 years 2 months and 7 days i.e. from 20.10.1997 to 10.12.1997, 1.8.1998 to 31.1.1999, 5.4.1999 to 6.8.1999, 1.11.1999 to 31.3.2000, 19.1.2001 to 30.3.2001, 1.9.2001 to 31.03.2002 and 1.1.2004 to 31.12.2005 and he is not in service after 1.1.2006. Hence, the certificate issued by the Assistant Director of Agriculture is to be taken as invalid. Further as per GO.No.64 dated 8.3.1999, the state wide seniority list of Plot Watchers/Village Social Forestry Works was prepared consisting of 5442 persons, in which the last person had joined the duty on 1.2.1993. Therefore, even assuming for a moment that he has been working from 1.9.1993, he will not be eligible for concession granted in the said Government order, since he was not working on 1.2.1993 and therefore, the Petitioner is not eligible for regularisation. In such circumstances, this Writ Petition is liable to be dismissed.

5. On a careful consideration of the submissions of the learned counsel on either side and on going through the materials placed on record, it is made clear that the name of the Petitioner was not included in the seniority list as he has not worked in the Department continuously for a minimum prescribed period of 10 years. Even assuming for a moment that the certificate is a valid certificate, no doubt in the impugned order, it has been very clearly stated that the certificate which has been relied on by the Petitioner, has been found to be a wrong one and in fact, it has been clarified in the counter also. But, the Department has categorically stated that even assuming for a moment that he was working for 4 years 2 months and 4 days, 5442 persons were included in the seniority list and the last person joined the duty on 1.2.1993 and the Petitioner was engaged only from 1.9.1993 and therefore, there is no basis and even otherwise, the basic requirement of 10 years continuous service was not fulfilled by the Petitioner and therefore, his name was not rightly included in the seniority list. In such view of the matter, I do not find any illegality or infirmity in the impugned order and hence, this Writ Petition deserves to be dismissed.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected MPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Srcm

To:

1 The Secretary to Government
Forest Department Fort St. George
Chennai-9

2 The Principle Chief Conservator of Forests,
Panagal Building, Saidapet Chennai-15

3 Forest Ranger, Rural Fuel Wood Range,
Thirupathur, Vellore District

+1 cc to Mr.K.Vasudevan Advocate sr.33268

+1 cc to Special Government Pleader sr.33264

WP.No.20734 of 2012

pvs (co)
aa14/07/2016