

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20522 of 2016

D.Selvam

[Petitioner]

Vs

1. Government of Tamil Nadu
rep.by its Secretary
Environment and Forest Department
Fort St.George, Chennai 600 009.
2. The Principal Chief Conservator of Forests
Panagal Building
Saidapet, Chennai 600 015.
3. The District Forest Officer
Thiruvallur District
Thiruvallur.

[Respondents]

Prayer:- Writ petition is filed under Article 226 of Constitution of India, seeking a Writ of Mandamus, to direct the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account his seniority and qualification, on par with his juniors, in the light of the orders passed by this Court in W.P.No.15561 of 2006, dated 10.03.2008, 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 proceedings of the 2nd respondent, dated 07.01.2011, and confer all consequential benefits including the pension benefits, based on the representation of the petitioner, dated 11.04.2016.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.Inbanathan
Government Advocate (Forest)

O R D E R

By consent, the writ petition is taken up and disposed of in the admission stage itself.

2. The prayer in the Writ Petition is for the issuance of a Writ of Mandamus, to direct the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account his seniority and qualification, on par with his

juniors, in the light of the orders passed by this Court in W.P.No.15561 of 2006, dated 10.03.2008, 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 proceedings of the 2nd respondent, dated 07.01.2011, and confer all consequential benefits including the pension benefits, based on the representation of the petitioner, dated 11.04.2016.

3. The case of the petitioner is that he was appointed as a Plot Watcher/Garden Watcher in the respondent Department on daily wage basis and later on, he was brought into regular time scale of pay of Forest Watcher and his name was included in the state wide seniority list for promotion to the post of Forest Watcher. However, though his juniors were promoted as Forest Watchers his case was not considered. In this regard, he has also submitted a representation to the respondents, on 11.04.2016. But, till date, the same was not considered. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the grievance of the petitioner is that though his juniors were given promotion to the post of Forest Watchers, the petitioner's case was not considered by the respondents. He would also submit that in an identical circumstances, this Court has considered the case of the similarly placed persons like that of the petitioners and pursuant to the same, the Government also has implemented the orders passed by this Court. He also brought to the notice of this Court that the Writ Appeal preferred by the Department was also dismissed. Accordingly, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and disposed of in the light of the earlier orders passed by this Court.

5. Mr.M.Inbanathan, learned Government Advocate (Forest), who took notice on behalf of the respondents, would submit that the respondents have no objection in considering the representation submitted by the petitioner in accordance with law.

6. Having regard to the submissions made on either side and considering the fact that this Court has considered similar such requests, the the respondents are directed to consider and pass orders on the representation submitted by the petitioner, dated 11.04.2016, on merits and in accordance with law, in the light of the orders passed by this Court in W.P.No.15561 of 2006, dated 10.03.2008, 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 proceedings of the 2nd respondent, dated 07.01.2011, after affording sufficient opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Environment and Forest Department
Fort St.George, Chennai 600 009.
2. The Principal Chief Conservator of Forests
Panagal Building
Saidapet, Chennai 600 015.
3. The District Forest Officer
Thiruvallur District
Thiruvallur.

1 cc to Mr.C.Prabakaran, Advocate, sr.33448
1 cc to Special Government Pleader, sr.33265

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kra 29.06.2016

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