

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2820 of 2016

1 N.Ganesan
2 Malaikulandai
3 C.Amirthalingam .. Petitioners

Vs

1 Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Secretariat, Chennai-600 009.
2 The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-600 015. .. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 of 2006 dt 10.03.2008 W.A. No.690 of 2008 dt 13.10.2009 W.P.No.23374 of 2008 dt 30.10.2009 W.A. No.607 of 2010 dt 29.03.2010 and proceedings of the 2nd Respondent dt 07.01.2011 and confer all consequential benefits.

For Petitioners : Mr.S.Mani

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

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself. Learned Government Advocate takes notice for the respondents.

2. Heard both sides.

3. According to the petitioners, they were appointed on daily wages in the Forest department as Plot Watchers/Social Forestry Worker respectively. Subsequently, their services were regularised as Forest Watcher, but not on par with their juniors. Further, the juniors of the petitioners who are able to read and write and acquired SSLC qualification were promoted earlier than petitioners as per the qualification fixed by the G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994. As the petitioners did not possess educational qualification, they were not promoted. Thereafter, G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 was issued restoring the qualification of ability to read and write instead of SSLC. Though the petitioners were promoted later as Forest Watchers, the regularization of the services of the petitioners as Forest Watcher on par with their juniors has not been done.

4. Learned counsel appearing for the petitioners would submit that issue is already covered by the decision in the writ petition filed by similarly placed persons in W.P.No.15561/2006 dated 10.03.2008 which was confirmed in W.A.No.690/2008 dated 13.10.2009.

5. Considering the fact that the petitioners' juniors were already regularized even before the petitioners could get regularized as per the decision referred to above, it is appropriate to direct the respondents to regularise the service of the petitioners on par with their juniors as Forest Watchers within a period of twelve weeks from the date of receipt of a copy of this order. The Petitioners are entitled to only regularization from the date on which the juniors were regularized and they are not entitled to any monetary benefits from that date.

With the above direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

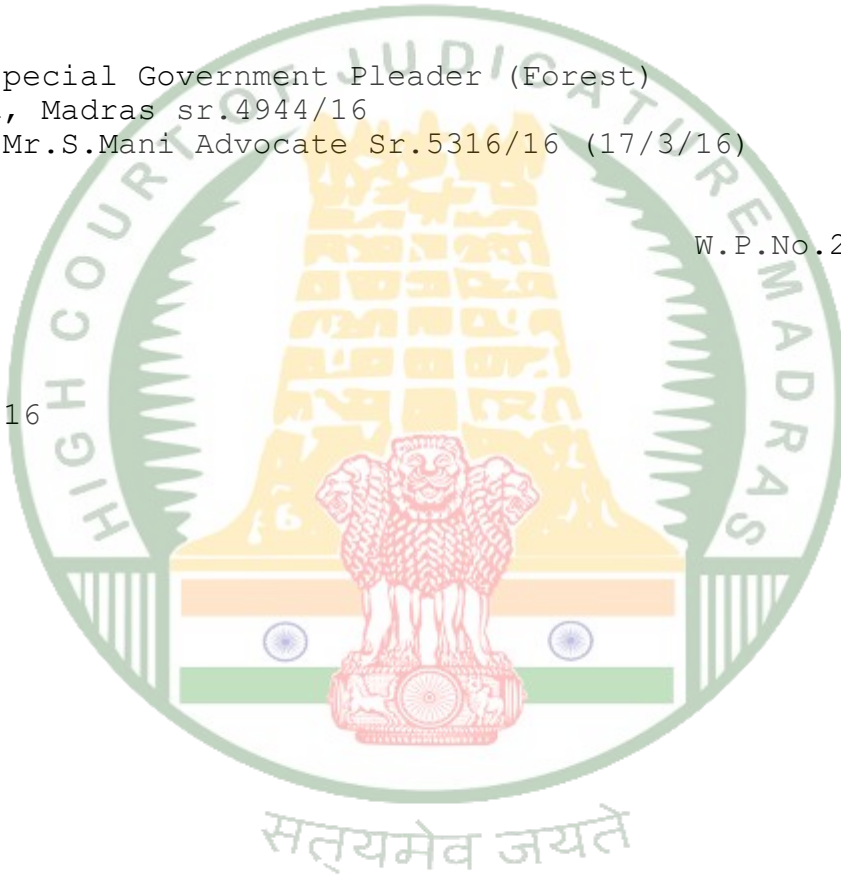
To

- 1 Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
- 2 The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

+1 cc to Special Government Pleader (Forest)
High Court, Madras sr.4944/16
+3 ccs to Mr.S.Mani Advocate Sr.5316/16 (17/3/16)

W.P.No.2820 of 2016

ca(co)
aa09/03/2016



WEB COPY