

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2861 of 2016

S.Nazira Bi .. Petitioner
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.
3. The Accountant General of T. Nadu
Office of the Accountant General
Office at Teynampet
Chennai - 600 018. ... 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 notionally appoint the petitioner's husband late.Syed Basha as regular time scale Forest Watcher taking into account of his 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 Petitioner : 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 Petitioner, her husband was appointed on daily wages in the Forest department as Plot Watcher. Subsequently, her husband service was regularised as Forest Watcher, but not on par with his juniors. Further, the juniors of the petitioner's husband who are able to read and write and acquired SSLC qualification were promoted earlier than petitioner as per the qualification fixed by the G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994. As the petitioner's husband did not possess educational qualification, he was 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 petitioner's husband was promoted later as Forest Watcher, the regularization of the services of the petitioner's husband as Forest Watcher on par with his juniors has not been done.

4. Learned counsel appearing for the petitioner 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 husband of the petitioner's juniors were already regularized even before the husband of the petitioner's could get regularized as per the decision referred to above, it is appropriate to direct the respondents to regularise the service of the husband of the petitioner on par with his juniors as Forest Watchers within a period of twelve weeks from the date of receipt of a copy of this order. The husband of the Petitioner is 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.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sms

To

- 1 The Secretary
Government of Tamil Nadu
Environment and Forest Department,
Secretariat, Chennai - 600 009.
 - 2 The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.
 3. The Accountant General of T. Nadu
Office of the Accountant General
Office at Teynampet
Chennai - 600 018.
- 1 cc to Mr.S. Mani, Advocate, Sr. 5323

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