

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.7.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.801 of 2016
and
C.M.P.No.10515 of 2016

M.Murugan

Appellant

Versus

- 1 The Secretary to Government
Environment and Forest Department
Secretariat Chennai-9.
- 2 The Principal Chief Conservator of Forest
Head of the Forest Force
Panagal Building Saidapet
Chennai- 15.
- 3 S.Muthuramalingam
- 4 N.A.Arumugam
- 5 V.Venkatesan
- 6 K.Thangaraj
- 7 C.Sundararaju
- 8 K.Arunachalam
- 9 M.Shakespeare
- 10 C.Vaithiyalingam
- 11 M.Subramanian
- 12 A.M.Chinnathambi

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.6.2016 passed in W.P.No.4440 of 2016 on the file of this court.

WP 4440/2016: To Call for the records from 2nd respondent in proceedings Na.Ka.No. AA1/34810/2014-1 Dated 01.02.2016 and quash the same as illegal and further direct the second respondent to prepare fair seniority for the post of Forest Watchers based on a G.O.Ms.No.64 E&F (F2) dated 08.03.1999 and by reversing the Respondent 3 to 12 persons illegal appointment in the Forest Department and made appointment and promotion based on the fresh seniority list on the basis of G.O.Ms.No.64 E&F (F2) Dated 08.03.1999.

For appellant : Mr.N.G.R.Prasad for M/s.Row and Reddy

For RR1 and 2 : Mr.N.Inbanathan,
Government Advocate (Forest)

For R3 : Mr.AR.L.Sundaresan, Senior Counsel for
M/s.AL.Ganthimathi

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant, learned Government Advocate, who accepts notice on behalf of respondents 1 and 2 and the learned counsel representing the respondents who have been deputed to undergo the Ranger training.

2. Originally, the appellant/petitioner was appointed as Forest Guard by direct recruitment on 25.10.2000 and then promoted as Forester on 21.12.2011 and he is fully qualified for the promotion to the post of Forest Rang Officer. Whiles, according to the appellant/petitioner, on the basis of some amendments and Government Orders, the daily wage workers were equated with the candidates like him and as a consequence, respondents 3 to 12 were deputed for Ranger Training and hence, he was constrained to file the writ petition. Now, the appellant/petitioner is aggrieved against the order of the learned Single Judge in directing the second respondent to depute respondents 3 to 12 for fresh Ranger Training.

3. It appears that while disposing of the writ petition, the learned Single Judge has observed thus:-

" It is brought to the notice of this court by the learned counsel appearing for the respective respondents that the issue relating to the inter seniority between the persons who are holding the post of Forest Guard by promotion and those who were directly recruited as Forest Guard in the Forest Department is the subject matter of the Writ Appeal No.811 of 2011 before the Division Bench of this Court. Further, in the present case, by virtue of the interim stay granted by this court, the respondents 3 to 12 were recalled from the training. Therefore, there is nothing survives for adjudication in this writ petition. However, it is made clear that even if the respondents 3 to 12 were deputed for training, undergoing such training will not confer them any right to assert seniority. Therefore, the second

respondent is hereby directed to depute the respondents 3 to 12 herein for fresh Ranger training so as to enable them to complete such training. It is further made clear that the seniority of the petitioner and the respondents 3 to 12 will be governed by the judgment to be passed by the Division Bench of this court in W.A.No.811 of 2011."

4. The learned Single Judge has observed that even if the respondents 3 to 12 were deputed for training, undergoing such training will not confer them any right to assert seniority. Therefore, there is no scope for interference with the order of the learned Single Judge or any clarification thereof in this writ appeal. Accordingly, the writ appeal is disposed of. Further, it is made clear that if any decision is taken while fixing inter se seniority, it is open to the petitioner to move this court or any other court as the case may be. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary to Government
Environment and Forest Department
Secretariat Chennai-9.
- 2 The Principal Chief Conservator of Forest
Head of the Forest Force
Panagal Building Saidapet
Chennai- 15.

- 1 cc to A.L.Ganthimathi, Advocate, sr.38639
1 cc to Mr.Row and Reddy, Advocate, sr.38253
1 cc to Special Government Pleader(F), sr.38318

W.A.No.801 of 2016

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kra 10.08.2016