

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.29374 of 2016

K.Sivasathiyavel

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
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 Conservator of Forests,
Coimbatore Circle,
Coimbatore.

4.The District Forest Officer,
Nilgiris South Division,
Udagai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to include the petitioner's name in the State Wide Seniority List as on 01.11.1990 and to appoint him as Forest Watcher with effect from the date of his junior's appointment with all consequential benefits within time frame.

For Petitioner : M/s.K.Jenitha

For Respondents : Mr.N.Inbanathan
Government Advocate [Forest]

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to include his name in the State Wide Seniority List as on 01.11.1990 and to appoint him as Forest Watcher with effect from the date of his junior's appointment with all consequential benefits within time frame.

2.It is the case of the petitioner that he was appointed as Plot Watcher on 01.11.1990 at Nilagiri South Division and now, he is

working as Supernumerary Anti Poaching Watcher. On 08.03.1999, the Government issued G.O.Ms.No.64, Environment and Forests Department, to prepare State Wide Seniority List of Social Forestry Workers / Plot Watchers working in the Forest Department for the purpose of promote them to the higher regular post according to their seniority as and when vacancy arises. Further, on 07.08.2009, the Government issued G.O.Ms.No.95, Environment and Forests Department based on G.O.Ms.No.22, P & A.R. Department, for regularizing the services of all the Social Forestry Workers / Plot Watchers for those, whose names were included in the State Wide Seniority List and who have completed 10 years of service in the Forest Department all over Tamil Nadu. However, as per G.O.Ms.No.95, all the Plot Watchers were brought under the regular time scale of pay but the petitioner's service was not regularized. Thereafter, the fourth respondent sent a recommendation to the second respondent through the third respondent along with the pay drawn particulars, but the petitioner's claim is still pending. Finally, as per G.O.Ms.No.76, Environment and Forest (FR-2) Department, dated 07.06.2010, petitioner's services were regularized as Anti Poaching Watchers in a Supernumerary Post, which is unknown to Forest Subordinate Service Rules and there is no promotional avenue and selection grade and special grade and paying the scale of pay as part time worker. According to the petitioner, he made several representations to the respondents right from the date of G.O.Ms.No.95, but they have not taken any steps for his claim so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate [Forest] appearing for the respondents.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to submit a fresh representation to the second respondent, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the second respondent is directed to consider the same, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sri



सत्यमेव जयते

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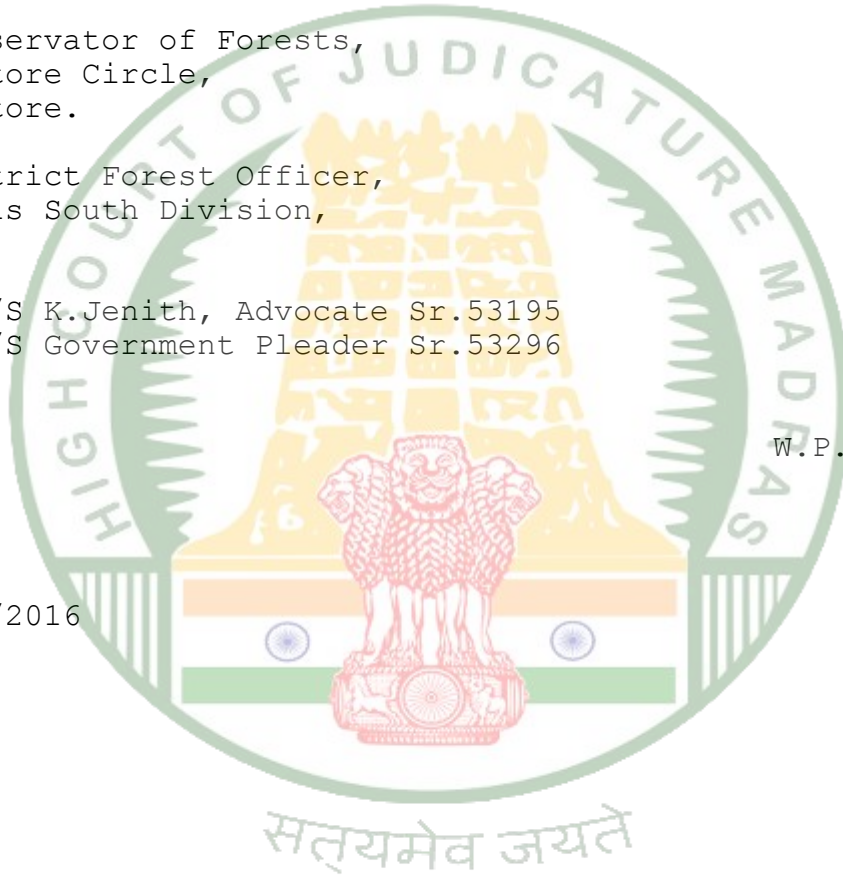
To

- 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 Conservator of Forests,
Coimbatore Circle,
Coimbatore.
- 4.The District Forest Officer,
Nilgiris South Division,
Udagai.

+1cc to M/S K.Jenith, Advocate Sr.53195
+1cc to M/S Government Pleader Sr.53296

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CNR (CO)
RVR 22/10/2016



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