

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.29856 of 2016

G.V.Mani

.. Petitioner

Versus

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 filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed 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 pension benefits based on petitioner representation dated 17.08.2016 with effect from 24.01.1995.

For Petitioner
For Respondent

: Mr.C.Prabakaran
: Mr.N.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 orders passed by this Court in similar writ petitions and confer all consequential benefits including pension benefits based on his representation dated 17.08.2016 with effect from 24.01.1995.

3. The case of the petitioner is that he was appointed as a Plot Watcher/Forest Guard in the respondent Department on a consolidated 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 dated 17.08.2016 to the respondents and 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 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.N.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 respondents are directed to consider and pass orders on the representation submitted by the petitioner dated 17.08.2016 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording sufficient opportunity of hearing to the petitioner.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

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.

+1cc to M/S.C.Prabakaran, Advocate sr.48806
+1cc to the Special Government Pleader Sr.48820

Writ Petition No.29856 of 2016

nr[co]
srg 21/09/2016

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