

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30952 of 2016

1. N.Sampath Kumaran
2. G.Jayaraman
3. P.Vadivel
4. K.Muthukoodalingam
5. S.Samiyappan
6. G.Venkatachalam
7. V.Karunanithi
8. P.Karuppiah
9. A.Rajendran
- 10.R.Karuppiah
- 11.G.Raja
- 12.M.Chinnamuniyan
- 13.K.Raman
- 14.C.Karunanidhi
- 15.K.Vellaisamy

... Petitioners

Vs.

State of Tamil Nadu rep. by
The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to depute the petitioners for 6 months training at Tamil Nadu State Forest Hire Training Centre, Coimbatore.

For Petitioners : Mrs.Selvi George

For Respondent : Mr.N.Inbanathan,
Government Advocate (Forest)

O R D E R

The Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to depute the petitioners for 6 months training at Tamil Nadu State Forest Hire Training Centre, Coimbatore.

2. The case of the petitioners is that they have all joined the Tamil Nadu Forest Department in the year 1983, 1984 and 1984 respectively as a Village Social Forestry Worker through Employment Exchange and thereafter, they were promoted as Forest Watchers in the year 1995 and as Forest Guards in the year 2004 and they have become Foresters in the year 2013 and at present, they are all working as Foresters in various districts in the State of Tamil Nadu and their services have been regularised.

3. While so, the Tamil Nadu Forest Department recruited persons during 1982 for the implementation of Social Forestry Scheme on daily wage basis. Originally, the minimum general qualification for the said post was S.S.L.C. In the meanwhile, considering the long service for more than 10 years of service of the plot watchers/Social Forestry Workers, the respondent sent a proposal to appoint 421 Plot Watchers/Social Forestry Workers to the post of Forest Watchers/Malis. While so, the Government prescribed minimum general qualification as SSLC to appoint to the post of Forest Watcher vide G.O.(Ms.) No.332 dated 22.12.1984 and this Government Order came to be challenged by the Plot Watchers/Social Forestry Workers who did not possess the minimum general educational qualification before the Tamil Nadu Administrative Tribunal and obtained stay of the Government Order and subsequently, the Government issued an order in G.O. (Ms.) No.64, Environment and Forest F&R2 Department dated 08.03.1999 in which G.O.(Ms) No.332 dated 22.12.1984 was withdrawn.

4. It is alleged that the next avenue of promotion for the post of Forester is Forest Range Officer and in terms of Rule 5 of the Tamil Nadu Forest Subordinate Service Rules, apart from possessing the minimum general qualification, the petitioners have to successfully complete the training for Forester. It is further alleged that similarly placed persons like the petitioners approached this Court by way of filing W.P.No.27827/2015 seeking to issue a Writ of Mandamus to direct the 2nd respondent therein to depute them for Forester Training. When that matter was taken up for hearing, without going into the merits of the case, this Court directed the petitioners therein to submit one more representation to the 2nd respondent therein by enclosing a copy of that order as well as the copy of the earlier representation, within a period of two weeks from the date of receipt of a copy of that order and on receipt of the same, the 2nd respondent therein was directed to consider the same on merits and in accordance with law, after putting notice to the persons concerned within a period of 8 weeks thereafter and also directed the 2nd respondent therein to communicate the decision taken to the petitioners as well as to the persons concerned. Thereafter, those petitioners were sent for Forester training by the respondent herein. Therefore,

seeking the same relief, the petitioners are also before this Court with this Writ Petition.

5. Learned Government Advocate (Forest) would submit that there are about 88 persons senior to these petitioners who have also to be undergone the Forester Training. Therefore, the request of the petitioners could be considered only as per the seniority by deputing them for 6 months Forester Training at Tamil Nadu State Forest Hire Training Centre, Coimbatore, irrespective of the services of the petitioners.

6. Considering the facts and circumstances of the matter, without going into the merit of the claim made by the petitioners, this Court directs them to give a fresh detailed representation to the 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 respondent is directed to consider the same by affording a personal hearing to the petitioners as well as to all the necessary parties who are likely to be affected, within a period of six weeks thereafter and communicate the decision taken to the petitioners as well as to the persons concerned.

8. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Principal Chief Conservator of Forest,
State of Tamil Nadu,
Panagal Building,
Saidapet, Chennai-15.

+1cc to the Special Government Pleader Sr.52063
+1cc to Mrs.Selvi George, Advocate Sr.52006

W.P.No.30952/2016

ca[co]
srg 26/09/2016