

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31276 of 2016

K.Periyasamy

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Secretary to
Government,
Environment and Forest Department
Fort St. George, Chennai-9.

2.The Principal Chief Conservator of
Forest,
Panagal Building,
Saidapet, Chennai-15.

3.The Divisional Forest Officer,
Crash Plantation Division,
Karur.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's claim with regard to compassionate appointment in the light of the judgment of the First Bench of this Court in W.A.No.524 of 2012 dated 16.4.2012.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inabanathan,
Govt. Advocate (Forest)

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ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his claim with regard to compassionate appointment in the light

of the judgment of the First Bench of this Court dated 16.4.2012 made in W.A.No.524 of 2012.

3. It is the case of the petitioner that he has licence to drive transport vehicles. His father was appointed as Social Forestry worker on 21.10.1983 through employment exchange in Social Forestry Division, Kulithalai Range. The respondents have issued G.O.Ms.No.64, Environment and Forest Department, dated 8.3.1999 for preparation of State Wide Seniority List of Social Forestry Workers/ Plot Watchers for further appointment. As per G.O.Ms.No.64, his father's name was included in Sl.No.3099 in the State Wide Seniority. Subsequently, the Government issued G.O.Ms.No.95, Environment and Forest Department, dated 7.8.2009 for regularisation of service of all Plot Watchers and Social Forestry Workers in a supernumerary post. As per the said GO, the service of the petitioner's father has been brought into regular time scale of pay. His father approached the respondents on several occasions for regularisation of his service as Forest Watcher / Mali. But, the respondents did not consider his request. Later, his father died on 21.6.2012, while he was in service. After his death, the third respondent has sanctioned a sum of Rs.1,50,000/- under Family Benefit Fund Scheme. Thereafter, the petitioner's mother submitted a representation dated 17.1.2014 to the second respondent seeking family pension and compassionate appointment. But, the second respondent has not considered her representation. Hence, the petitioner's mother filed a writ petition before this Court in W.P.No.24745 of 2016 seeking family pension and the same was ordered on 18.7.2016. But, the respondents have not given compassionate appointment. As per the judgment of the First Bench of this Court dated 16.4.2012 made in W.A.No.524 of 2012, the petitioner is entitled for compassionate appointment. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to consider the representation dated 17.1.2014 submitted by the petitioner's mother seeking compassionate appointment to the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the judgment of the First Bench of this Court dated 16.4.2012 made in W.A.No.524 of 2012 (The Principal

Chief Conservator of Forests and three others v. G.Periasamy), within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Secretary to
Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai-9.

2.The Principal Chief Conservator of
Forest,
Panagal Building,
Saidapet, Chennai-15.

3.The Divisional Forest Officer,
Crash Plantation Division,
Karur.

+1cc to M/s. K. Jenitha, Advocate, S.R.No.51340
+1cc to the Special Government Pleader, S.R.No.51197

VSN(CO)
EU(22/09/2016)

सत्यमेव जयते

W.P.No.31276 of 2016

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