

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.31463 and 31464 of 2016
and W.M.P.Nos.27302 and 27303 of 2016

R.Ramakrishnan Petitioner in
W.P.No.31463/2016

K.Buvana Petitioner in
W.P.No.31464/2016

vs.

1.Additional Chief Secretary to Government,
Environment and Forest (FR.6)
Department, Chennai - 9.

2.Principal Chief Conservator of Forests,
Environment and Forest (FR.6)
Department, Chennai - 9.

3.Additional Principal Chief Conservator
of Forests (Afforestation) and
Chief Project Director of
Tamil Nadu Bio-diversity
Conservation and Greening Project,
Chennai - 9.

4.The Chairman,
Tamil Nadu Forest Uniformed Services
Recruitment Committee,
Panagal Maaligai, Saidapet,
Chennai - 15.

... Respondents in
both the W.Ps

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the experience of the petitioners as Technical Assistants for three years in the department and direct the respondent to appoint or regularise them in any of the posts in TAFORN, TANTEA and ARC while recruiting personnel for the posts called for in respondents advertisement No.1/2004 dated 22.12.2014.

For Petitioner : Mr.G.V.Vairam Santhosh
in both the W.Ps

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (F)

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to consider their experience as Technical Assistants for three years in the department and direct the respondents to appoint or regularise them in any of the posts in TAFORN, TANTEA and ARC while recruiting personnel for the posts called for in respondents advertisement No.1/2004 dated 22.12.2014.

3. It is the case of the petitioners that they have completed M.Sc. and M.Sc. B.Ed., respectively. In the year 2011, the Government of Tamil Nadu implemented a forest conservation project with the funding assistance by Japan International Funding Agency. The said project came to act vide its order in G.O.Ms.No.17 of 2011 dated 28.1.2011, as per which orders were issued for constitution of the High Level Empowered Committee under the Chairmanship of the Chief Secretary to Government. Under the said order, the Chief Conservator of Forests was permitted to constitute the Governing Body and to constitute the Project Management Unit with the Executive Body

and General Body. The Tamil Nadu Biodiversity Conservation and Greening Society has been registered as per the Tamil Nadu Societies Registration Act, 1975 on 17.8.2011. Under this project, in November, 2012 the Tamil Nadu Forestry Department called for applications for the post of Technical Assistant on contractual basis. The petitioners applied for the said post and got selected. The work is on contract basis for a period of one year and by letters dated 31.5.2012 and 20.9.2012 respectively, the petitioners were directed to work in the office of the Conservator of Forests, Genetics, Coimbatore and Forestry Extension Officer, Forestry Extension Division, Polupalli, Krishnagiri respectively. They are working as such till date and salary was paid through the office cheque. Subsequently, in the meeting held on 17.5.2012, it was recommended that instead of appointing the contract staff, the forest department staff already retired or through an outsourcing agency can be selected. Following the meeting, the Environment and Forest Department issued an order in G.O.Ms.No.276 dated 13.12.2012 by amending the recruitment clause in the project manual. Aggrieved by the said GO, the petitioners filed writ petitions in W.P.No.28732 of 2014 and W.P.(MD) No.80818 of 2012 before this Court and interim stay was granted in both the writ petitions. While so, based on the proposal of Principal Chief Conservator of Forests, the Government ordered for formation of Tamil Nadu Forest Uniformed Services Recruitment Committee (TNFUSRC). The TNFUSRC was empowered to recruit suitable personnel against the vacancies arising in the said posts in the Tamil Nadu Forest Department. Thereafter, the fourth respondent vide advertisement No.1/2014 dated 22.12.2014 called for applications for the following posts:-

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Sl.No.	Name of the post	Name of the Department / Corporations	No. of vacancies
1	FORESTER	Tamil Nadu Forest Department (TNFD)	148
2	FORESTER	Tamil Nadu Forest Plantation Corporation Limited (TAFCON)	17
3	FIELD ASSISTANT	Arasu Rubber Corporation Limited (ARC)	16

Based on the said notification, the petitioners applied for the post of Forester and wrote the examination on 22.2.2015. The results were published on 20.11.2015 and the petitioners scored 96% and 97.5% respectively. Already, they are working as Technical Assistants for nearly four years. Hence, it is the duty of the respondents to take notice and care of the persons who were already working. In fact, the Government in previous occasions regularized the employees like that of the petitioners. In this regard, the petitioners sent representations dated 27.11.2015 to the fourth respondent. But, the said representations were not considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

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

5. Though the present writ petitions have been filed for a larger relief, since the representations of the petitioners dated 27.11.2015 are pending before the fourth respondent, I am of the view, it would be suffice to direct the fourth respondent to consider the said representations.

6. Accordingly, the present writ petitions are disposed of, with a direction to the fourth respondent to consider the representations of the petitioners dated 27.11.2015 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioners and it is for the fourth respondent to consider the claim of the petitioners strictly on merits and in accordance

with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary to Government,
Environment and Forest (FR.6)
Department, Chennai - 9.
- 2.The Principal Chief Conservator of Forests,
Environment and Forest (FR.6)
Department, Chennai - 9.
- 3.The Additional Principal Chief Conservator
of Forests (Afforestation) and
Chief Project Director of
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Conservation and Greening Project,
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- 4.The Chairman,
Tamil Nadu Forest Uniformed Services
Recruitment Committee,
Panagal Maaligai, Saidapet,
Chennai - 15.

2 ccs to Mr.G.V.Vairam Santhosh, Advocate, sr.51702,51703
1 cc to Special Government Pleader, (Forest), sr.51506

W.P.Nos.31463 and
31464 of 2016

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