

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32518 of 2016

G.Indira

.. Petitioner

Vs.

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,
Erode Division, Erode District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner's husband M.Govintharaj, son of Mottai Reddy as regular time scale for the post of Forest Guard taking into account the seniority and qualification, on par with his 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 second respondent, dated 07.01.2011 and confer all consequential benefits including the family pension and death benefits with effect from 24.01.1995 based on the petitioner's representation, dated 27.08.2016.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.N.Inbanathan, Govt. Advocate

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner's husband M.Govintharaj, son of Mottai Reddy as regular time scale for the post of Forest Guard taking into account the seniority and qualification, on par with his 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 second respondent, dated 07.01.2011 and confer all consequential benefits including the family pension and death benefits with effect from 24.01.1995 based on the petitioner's representation, dated 27.08.2016.

2. The case of the petitioner is that her husband was appointed as a Plot Watcher/Social Forestry Watcher and worked as such from 01.01.1981 to 01.12.1984 and from 01.01.1985 to 15.05.2003. Subsequently, he was promoted as Forest Watcher on 24.08.2004 in Erode District. After, six years, he was promoted as Forest Guard on 14.09.2010. The petitioner's husband died on 31.07.2011 leaving behind the petitioner, two daughters and one son as legal representatives. So far, even the death benefits and family pension were not sanctioned to the petitioner.

3. It is the grievance of the petitioner that her husband's juniors were brought under the regular time scale of pay and were given promotion as Forest Guard, but the petitioner's husband was not given appointment as Forest Guard by following the State wide seniority list. It is the further case of the petitioner that the petitioner made a representation 27.08.2016 to the respondents for sanction of death benefits, family pension and also requesting to place him in State level seniority for the post of Forest Guard on par with his juniors and provide the employment suitably. The same was not considered. Hence, the petitioner is before this Court with the Writ Petition for the prayer mentioned supra.

4. Mr.C.Prabakaran, the learned counsel for the petitioner submitted that though the juniors of the petitioner's husband were given promotion to the post of Forest Guard, the case of the petitioner's husband was not considered by the respondents, while he was alive and hence, the petitioner has made a representation to the respondents on 27.08.2016 to provide death benefits and also to place her husband in an appropriate place of seniority on par with his juniors for the post of Forest Guard and to provide necessary benefits with arrears of salary. He also submitted that in identical circumstances, this

Court has considered the case of the similarly placed persons like that of the petitioner's husband and pursuant to the same, the Government also has implemented the orders passed by this Court. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if her representation is directed to be considered and disposed of, in the light of the earlier orders passed by this Court.

5. Mr.N.Inbanathan, the learned Government Advocate submitted that the respondents have no objection in considering the representation submitted by the petitioner and prayed for time to dispose of the said representation.

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 27.08.2016, on merits and in accordance with law, 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, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

Copy to

1. 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,
Erode Division, Erode District.

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.61072
+1cc to the Spl. Government Pleader (Taxes), S.R.No.61016

rsi(CO)
md(23/11/2016)

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