

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE K. KALYANASUNDARAM

W.P.No.3297 of 2016

M.G.Kannan

... Petitioner

Vs

1. Government of Tamil Nadu,  
Rep. by its Secretray,  
Environment and Forest Department,  
Secretariat, Chennai-9.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as regular time Scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in WP.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009 WP.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2<sup>nd</sup> respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan, GA

ORDER

By consent of the learned counsel on either side, this writ petition is taken up for final disposal.

2. Heard the submissions of Mr.S.Mani, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate, who accepts notice on behalf of the respondents.

3. According to the petitioner, he was appointed as Plot Watcher in the Forest department on daily wage basis for more than two decades and subsequently, brought into regular time scale of pay as Forest Watcher, which is a cadre post. His name has also been included in State Wide Seniority List. However, the petitioner was not given appointment as Forest Watcher by following the State Wide Seniority List and the

juniors were brought under regular time scale of pay and were given promotion as Forest Guard. Therefore, the petitioner was marched over by his juniors. In order to set things right, the respondents ought to have considered the claim of the petitioner to bring him on regular time scale of pay on par with his juniors, but the same was not considered.

4. Learned counsel appearing for the petitioner would submit that issue is already covered by the decision in the writ petition filed by similarly placed persons in WP.No.15561 of 2006 dated 10.03.2008 which was confirmed in W.A.No.690 of 2008.

5. Considering the fact that the petitioner juniors were already regularized even before the petitioner could get regularized as per the decision referred to above, it is appropriate to direct the respondents to regularize the service of the petitioner on par with their juniors as Forest Watchers within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is entitled to regularization only from the date on which the juniors were regularized and they are not entitled to any monetary benefits from that date.

The writ petition is disposed of with the above direction. No costs.

gya

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1. Government of Tamil Nadu,  
Rep. by its Secretray,  
Environment and Forest Department,  
Secretariat, Chennai-9.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet, Chennai-15.

+ 1 cc to M/s.S.Mani, Advocate, SR 5793

+ 1 cc to Spl.Govt Pleader(Forest), High Court, Madras  
SR 5670

ctk(co)  
prk4/3

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