

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34110 of 2016

V.Kandhasamy

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

... 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 representation with regard to rectification of pay anomaly and to revise and re-fix the scale of pay on par with the lowest grade servants working in the Zoological park wing and to step up the pay on par with the junior in the light of G.O.Ms.No.142, Environment and Forest Department dated 30.09.2010.

For Petitioner : M/s.K.Jenitha
For Respondents : Mr.N.Inbanathan
Government Advocate (Forest)

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation with regard to rectification of pay anomaly and to revise and re-fix the scale of pay on par with the lowest grade servants working in the Zoological park wing and to step up the pay on par with the junior in the light of G.O.Ms.No.142, Environment and Forest Department dated 30.09.2010.

2.It is the case of the petitioner that he was appointed as Social Forestry Worker on 03.09.1982 at Manaparai Range and as per his seniority, he was appointed as Mali on 01.08.2007 and posted at Forestry Extension Centre. But he was not paid with the pay scale of Mali and he was compelled to work on temporary basis. Thereafter, based on G.O.Ms.No.22, P&AR Department, the respondents have issued G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009 and his service was brought into regular time scale of pay with effect from 07.08.2009 and he was posted at Forestry Extension

Division, Trichy. However, the first respondent has issued G.O.Ms.No.142, Environment and Forest (FR.2) Department, dated 30.09.2010, for regularization of service, as Mali, Gardner, Night Watchman, with the pay scale of Rs.4800-10,000/- with grade pay of Rs.1300/- and their services has been regularised with effect from the date of completion of ten years. According to the petitioner, there is an anomaly in the pay and service regularization. In this regard, he made several representations and finally, on 25.06.2016 made a representation to the respondents for rectification of anomaly in pay and service regularization. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest) appearing for the respondents.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioner dated 25.06.2016 seeking to rectification of pay anomaly and to revise and re-fix the scale of pay on par with the lowest grade servants working in the Zoological park wing and to step up the pay on par with the junior in the light of G.O.Ms.No.142, Environment and Forest Department dated 30.09.2010 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 petitioner and it is for the respondents to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

-s/d-
सत्यमेव जयते
Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

+1 cc to M/s.Special Government Pleader sr 55243/16

W.P.No.34110 of 2016

cnr(co)
aa15/11/2016



WEB COPY