IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34599 of 2016

P.Raman ... Petitioner

vs.

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

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

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to promote the petitioner as Forest Watcher with effect from the date of his juniors promotion by considering the petitioner's representation dated 5.4.2015 in the light of the order passed in W.P.No.15561 of 2006 dated 10.3.2008 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 29.3.2010 and proceedings of the second respondent dated 7.1.2011 and with all consequential benefits.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.M.Santhanaraman,
Addl. Govt. Pleader

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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 promote him as

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Forest Watcher with effect from the date of his junior' s promotion by considering his representation dated 5.4.2015 in the light of the order of this Court passed in W.P.No.15561 of 2006 dated 10.3.2008, 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 29.3.2010 and the proceedings of the second respondent dated 7.1.2011 and with all consequential benefits.

3. It is the case of the petitioner that originally he was appointed as Social Forestry Worker on 27.3.1986 through employment exchange. After rendering more than two decades of service, he was brought into regular time scale of pay in the cadre of Forest Watcher on 30.4.2014. As per the Tamil Nadu Forest Subordinate Service Rules, the qualification for appointment to the post of Forest Watcher is, ability to read and writ Tamil, 163 cm of height and chest measurement ranging from 79 to 85 cm. Since the petitioner possesses all the requirements, his name was included in serial No.4591 of the seniority list drawn by the second respondent. While so, in the year 1994, the Government issued G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, by imposing a new condition of pass in SSLC for holding the regular post of Forest Watcher. The said GO was challenged before the Tamil Nadu Administrative Tribunal by filing original application and during the pendency of the said OA, the Government restored the qualification of ability to read and write instead of pass in SSLC. Even thereafter, the was not appointed as Forest Watcher in the regular time scale of pay, even though he is a senior person and was given regular time scale of appointment as Forest Watcher even in the year 1995 along with 425 others and by virtue of the interim stay granted by the Tribunal, he could not join as Forest Watcher and got subsequent promotion as Forest Guard and Forester. Subsequently, the Government issued G.O.Ms.No.64, Environment and Forest Department dated 8.3.1999 for preparation of State Wide Seniority list and the qualification of SSLC has been revoked. As per the said GO, the petitioner's name was included in serial No.4591. But, the seniority list was not followed in letter and spirit. Hence, his junior viz., P.Karuppan, who joined after the petitioner on 31.3.1986 was appointed as Forest Watcher and further promoted as Forest Guard in the year 1999. In this regard, the petitioner sent repeated representations to the second respondent, but the same was not considered so far. Finally, he sent a representation dated 5.4.2014 to the second respondent to consider his claim. But, the same was also not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Learned counsel appearing for the petitioner submitted that the similarly placed persons like that of the petitioner filed writ petitions before this Court in W.P.Nos.15561 of 2006 and 23374 of 2008 and this Court disposed of the said writ petitions by orders dated 10.3.2008 and 30.10.2009 respectively, with a direction to the respondents therein to consider their claim for appointment as Forest

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Watcher on par with their juniors. As against the said order, the department went on appeal in W.A.No.690 of 2008 and 607 of 2010, which were dismissed by the Division Bench of this Court dated 13.10.2009 and 29.3.2010 respectively. Pursuant to the dismissal of the appeals, the respondents have implemented the order of the learned Single Judge dated 15.11.2010 and 7.1.2011. Hence, following the same, similar order could be passed in this writ petition also.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order, to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the representation seeking promotion to the post of Forest Watcher with effect from the date of his junior's promotion and pass appropriate orders, on merits and in accordance with law, and also in the light of the order passed in W.P.No.15561 of 2006 dated 10.3.2008, 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 29.3.2010 and proceedings of the second respondent dated 7.1.2011, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

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

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

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+1 CC to Ms.K.Jenitha, Advocate SR.No.56492

+1 CC to The Government Pleader SR.No.56427

CO-TRM
tns : 24.10.2016

W.P.No.34599 of 2016

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