

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.35979 of 2016

C.Natarajan

.. Petitioner

vs.

1.The State of Tamil Nadu Rep.

By its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-9.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider petitioner's representation with regard to rectification of pay anomaly and to revise and re-fix the scale of pay on par with the lowest grade servant as Night Watchmen working in the Zoological park wing and to regularize the petitioner's service and to step up the pay on par with the junior in the light of G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.02.2006 within time frame.

For Petitioner : M/s.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forests)

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation with regard to rectification of pay anomaly and to revise and re-fix the scale of pay on par with the lowest grade servant as Night Watchmen working in the Zoological park wing and to regularize the petitioner's service and to step up the pay on par with the junior in the light of G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.02.2006 within time frame.

2. The petitioner was initially appointed as Plot Watcher on 01.04.1982 at Pudukottai Social Forestry Division and as per G.O.Ms.No.64, his name was included in the State wide Seniority List in Sl.No.1117. Subsequently, as per seniority, the petitioner was appointed as Mali and posted at Forestry Extension Centres, Thanjavur on 01.08.2007, but he was not paid with the scale of Mali and he was compelled to work on temporary basis. Thereafter, based on G.O.Ms.No.22, P&AR Department dated 28.02.2006, the respondents have issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, by which the petitioner's service was brought into regular time scale of pay with effect from 07.08.2009. The petitioner would state that temporary workers of the Zoological Park and working in sanctuaries, which comes under the control of Zoo authorities, also sought for their regularization as per G.O.22 and in the light of G.O.95. Hence, the first respondent has issued G.O.Ms.No.142, Environment and Forest (F.R.2) Department dated 30.09.2010 for regularization of services of Mali, Gardener, Night Watchman with the scale of Rs.4,800-10,000 with grade pay of Rs.1300 and their services has been regularized with effect from the date of completion of ten years. The petitioner would further state that one Thiru.Muthu, who had joined on 01.08.1991, after joining of the petitioner in service on 01.04.1982, was regularized on 09.10.2010 as per G.O.Ms.No.142, Environment and Forest (F.R.2) Department dated 30.09.2010 which is based on G.O.Ms.No.22 and he came to know about G.O.Ms.No.142 only in the year 2015 and immediately, the petitioner sent a representation to the respondents 1 and 2 seeking rectification of anomaly in pay and service and since no response was forthcoming, came forward with this writ petition.

3. Heard the submissions on either side and also perused the entire materials available on record.

4. This Court, without going into merits of the claim projected by the petitioner, permits the petitioner to submit a fresh copy of the representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this orders and the respondents, on receipt of such representation, are directed to consider and pass orders on merits and in accordance with law within a period of six weeks thereafter. It is made clear that this Court has not expressed anything on merits and it is for the respondents to decide purely on merits.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

jvm

To

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

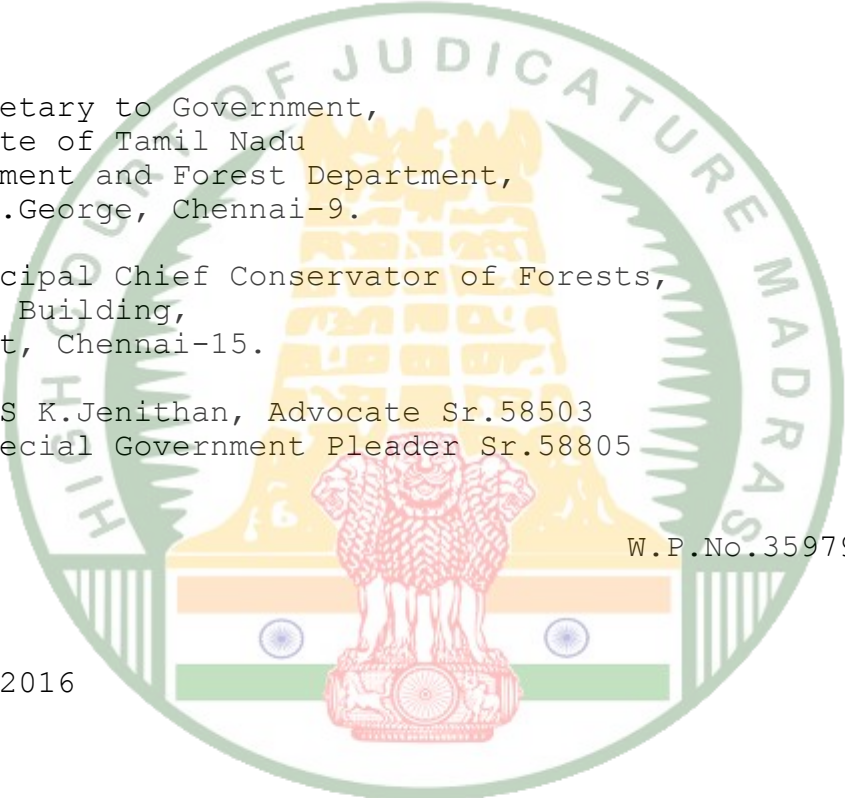
2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-15.

+1cc to M/S K.Jenithan, Advocate Sr.58503

+1cc to Special Government Pleader Sr.58805

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SCD(CO)
RVR 14/11/2016



सत्यमेव जयते

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