

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37810 of 2016

K.Dilli

... 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,
Thiruvallur District,
Thiruvallur.
 4. The Forest Ranger,
Gummidipoondi Forest Range,
Madherpakkam,
Thiruvallur District.
- ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus to direct the respondent to regularize the service of the petitioner for the post of plot watcher and to fix the time scale of pay taking into account of the seniority and qualifications, on par with the juniors with effect from 01.04.1993 based on the proposal of the 4th respondent to the 3rd respondent dated 14.02.2015 and to confer all consequential benefits.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.N.Inbanathan Government Advocate (F)

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 Writ of Mandamus, to direct the respondent to regularize the service of the petitioner for the post of plot watcher and to fix the time scale of pay taking into account of the seniority and qualifications, on par with the juniors with effect from 01.04.1993 based on the proposal of the 4th respondent to the 3rd respondent dated 14.02.2015 and to confer all consequential benefits.

3. The case of the petitioner is that the petitioner was appointed as a Plot Watcher/Garden Watcher in the respondent department on 01.04.1993 on daily wage basis. Though the petitioner has completed 23 years of service as a daily wage employee, he was not brought into regular time scale of pay and promoted to the next post of Forest Watcher, which a cadre post. Therefore, the petitioner made representations to the respondents on various occasions. Considering the bonafide request of the petitioner, the fourth respondent has sent a communication to the third respondent on 29.03.2010 along with service particulars and payment of salary details for the purpose of including the name of the petitioner in the state wide seniority panel with biodata and service certificates. Similarly, the third respondent has also sent the communication about the previous record of the petitioner that there is no case pending against the petitioner and his service records are proper and that the petitioner has completed service for more than a period of 10 years by a communication dated 02.01.2014 in Na.Ka.No.2268/2013/Pa to the Forest Officer, Chennai Region, Chennai. Subsequently, the fourth respondent has sent a recommendation and proposal to the third respondent dated 14.02.2015 recommending to include the name of the petitioner in the state wide seniority list as a Plot Watcher and promote to the post of Forest Watcher with service records. But, no action has been taken by the respondents in this regard. Hence, the petitioner has come forward with the present petition.

4. Heard the learned counsel for the petitioner and the learned counsel who takes notice for the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going to the merits of the claim of the petitioner, the third respondent is directed to regularize the service of the

petitioner for the post of plot watcher and to fix the time scale of pay taking into account of the seniority and qualification on par with the juniors with effect from 01.04.1993 based on the propose of the fourth respondent to the third respondent dated 14.02.2015 and to confer all consequential benefits within a period of 6 weeks from the date of receipt of a copy of this Order.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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,
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3. The District Forest Officer,
Thiruvallur District,
Thiruvallur.
4. The Forest Ranger,
Gummidipoondi Forest Range,
Madherpakkam,
Thiruvallur District.

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.62021
+1cc to the Government Pleader, S.R.No.62204

md(24/11/2016)

W.P.No.37810 of 2016