

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.38049 of 2016

A.Ananthi

... 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 Forest Panagal Building
Saidapet Chennai-15
- 3 The District Forest Officer
Kallakurichi Forestry Division Kallakurichi
... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider the petitioner's claim for regularization of service in the post of typist from the date of initial appointment i.e. on 13.4.2007 for the purpose of Selection Grade and other monetary benefits in the light of the proceedings in Se.Mu.Pa.O.No.88/08/Pa dated 2.7.2008 within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.M.Santhanaraman,
Addl. Govt. Pleader (Forest)

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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 third respondent to consider her claim for regularization of service in the post of

typist from the date of initial appointment i.e. on 13.4.2007 for the purpose of Selection Grader and other monetary benefits in the light of the proceedings in Se.Mu.Pa.O.No.88/08/Pa dated 2.7.2008 within a time frame.

3. It is the case of the petitioner that she was initially appointed as Typist on 11.4.2007 in the Additional District Court, FTC No.III, Vridhachalam on temporary basis through employment exchange. Thereafter, she has participated in the examination conducted by the TNPSC and has passed the said examination. Subsequently, she was posted at District Forest Office, Kallakurichi Division on 9.11.2010. After obtaining relieving order from the Principal District Judge, Cuddalore, the petitioner joined in the Forest Department on 24.12.2010 and her service was regularized with effect from 24.12.2010 by the proceedings of the third respondent. After joining in the present service, the petitioner submitted a representation to the respondents to count her previous service for awarding selection grade and other benefits. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that as per the various judgments of this Court and as per G.O.Ns.No.68, Personnel and Administrative Reforms (Per-M) Department, dated 23.1.1986, the petitioner is entitled to get the benefits of her past service for the purpose of selection grade and special grade. He has further submitted that similarly placed persons like that of the petitioner, have been issued with the pay fixation by counting the past service rendered in the same post, vide proceedings dated 2.7.2008 in Se.Mu.Pa.O.No.88/08/Pa. Hence, the petitioner is also entitled for the same.

5. I have also heard the learned Additional Government Pleader (Forest), 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 make a fresh representation to the third respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law and also as per G.O.Ns.No.68, Personnel and Administrative Reforms (Per-M) Department, dated 23.1.1986 and as per the proceedings in Se.Mu.Pa.O.No.88/08/Pa dated 2.7.2008, within a

period of six 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
Environment and Forest Department Fort St.
George Chennai-9
- 2 The Principal Chief
Conservator of Forest Panagal Building
Saidapet Chennai-15
- 3 The District Forest Officer
Kallakurichi Forestry Division Kallakurichi

+1 cc to Mrs.K.Jenitha Advocate sr 62807

+1 cc to Special Government Pleader sr 62198

W.P.No.38049 of 2016

lrs(co)
aa07/12/2016

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