

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38702 of 2016

Shanmugam

... 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 directing the respondents to promote the petitioner for the post of Forest Guard from Plot Watcher based on the proposal dated 4.11.2015 in Na.Ka.No.Pa2/ 4875/2009 to the second respondent based on the seniority and period of service record of the petitioner and to fix the time scale of pay taking into account of the seniority and qualification on par with the juniors with effect from 01.06.1991 and to confer all consequential benefits.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.N.Inbanathan, Govt. Advocate (Forest)

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 to the post of Forest Guard from Plot Watcher based on the proposal dated 4.11.2015 in Na.Ka.No.Pa2/ 4875/2009 to the second respondent and based on the seniority and period of service record of the petitioner and to fix the time scale of pay taking into account the seniority and qualification on par with the juniors with effect from 1.6.1991 and to confer all consequential benefits.

3. It is the case of the petitioner that he was appointed as Plot Watcher / Garden Watcher in the respondent department on 1.6.1991 on daily wage basis. Though he has completed more than 25 years of service, he was not brought into regular time scale of pay and he was not given promotion to the next post of Forest Watcher, which is a cadre post. Further, his name was included in the statewide seniority list in Roll No.5048. Despite the same, his service was not regularized and promotion was not given. Hence, he made several representations to the respondent seeking regular time scale of pay. Considering his request, the third respondent sent a communication to the fourth respondent to conduct an enquiry relating to the petitioner's continuous period of service. Accordingly, a report was sent to the third respondent and the third respondent by communication dated 28.4.2014, recommended promotion to the post of Forest Guard and the same was forwarded to the second respondent. Despite the same, no order has been passed till date. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. 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 said representation seeking promotion to the post of Forest Guard from the post of Plot Watcher and pass appropriate orders, on merits and in accordance with law,

based on the proposal dated 4.11.2015 in Na.Ka.No.Pa2/ 4875/2009 sent to the second respondent, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

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.
- 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.63362

GJII(CO)
md(28/11/2016)

W.P.No. 38702 of 2016