

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08/11/2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38945 of 2016

Madhiazhagan

... Petitioner

vs.

1. Government of Tamil Nadu
rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai-9.
 2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.
 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 regularise 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 w.e.f. 01.06.2001 based on the proposal of the 3rd respondent dated 02.01.2014 made in Na.Ka.No.2268/2013/Pa and to confer all consequential benefits.

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

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to regularise 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 his juniors w.e.f. 01.06.2001 based on the proposal of the 3rd respondent dated 02.01.2014 made in Na.Ka.No.2268/2013/Pa and to confer all consequential benefits.

3. The case of the petitioner is that he was appointed as Plot Watcher/Garden Watcher in the respondent Department on 01.06.2001 on daily wage basis. Since the petitioner has been working as a Plot Watcher for the past 15 years, he is entitled to bring into regular time scale of pay by regularising his service. Hence the petitioner made several representations to the respondents to draw statewide seniority list. Considering the same, the then Forest Ranger of Gummidipoondi Forest Range has sent a communication and recommendation to the 3rd respondent, recommending him for promotion as well as regularisation of his service along with his service records. The 3rd respondent, in turn, sent the recommendation to the Regional Forest Officer, Chennai Zone, Chennai-6 on 02.01.2014 in Na.Ka.No.2268/2013/Pa and informed that there is no litigation pending against him. But no order has been passed on the same. Hence the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. Though this Writ Petition has been filed seeking a positive direction, considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to pass order on the proposal of the 3rd respondent dated 02.01.2014 made in Na.Ka.No.2268/2013/Pa, to regularise 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 w.e.f. 01.06.2001 and to confer all consequential benefits, within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai-9.
- 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.
- 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.63717
+1cc to the Government Pleader, S.R.No.63889

sr(CO)
md(08/12/2016)

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W.P.No.38945 of 2016