

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.39737 and 39738 of 2016

1 T.Rajendran
2 T.A.Chinnasamy
3 S.Jayaraman
4 M.Thandavarayan
5 J.Kanchana
6 C.Rani
7 P.Ramaru
8 S.Subramani
9 R.Elumalai
10 A.Maadhu
11 K.Sathiyapillai
12 K.Chidhambaram
13 S.Theethan ... Petitioners in W.P.No.39737/ 2016

1 T.Nagarajan
2 N.Thavamani
3 P.Chinniyan
4 N.Dhanapal
5 K.Mari
6 K.Thavasi
7 P.Mani ... Petitioners in W.P.No.39738/ 2016

1 The State of Tamil Nadu
Rep by its Secretary to Government
(FR-2) Forest and Environment Department,
Fort St.George, Chennai - 600 009.

2 The Principal Chief Conservator of Forest
Panagal Building
Saidapet, Chennai - 600 015.

... Respondents 1 and 2 in
W.P.No.39737/16 and
Respondents in W.P.No.39738/16

3 The Principal Accountant General of T.N.
Accounts and Entitlement
O/o. The Accountant General,
Teynampet, Chennai - 600 018.

... Respondent in W.P.No.39737/ 2016

Prayer in W.P.No.39737 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioners as regular time scale of pay in Forest Watchers taking into account of their service seniority and qualifications, on par with their juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.03.2008, W.A.No.690/2008 dated 13.10.2009, W.P.No.23374/2008 dated 30.10.2009, W.A.No.607/2010 dated 20.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and consequential direction to the 3rd respondent to sanction all consequential service benefits with arrears.

Prayer in W.P.No.39738 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioners as regular time scale of pay in Forest Watchers taking into account of their service seniority and qualifications, on par with their juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.03.2008, W.A.No.690/2008 dated 13.10.2009, W.P.No.23374/2008 dated 30.10.2009, W.A.No.607/2010 dated 20.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and grant all consequential service benefits with arrears.

For Petitioners : Mr.P.Rajesh

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

C O M M O N O R D E R

The petitioners have joined the Forest department on daily wage basis on various dates during the year 1967 to 1983 as Plot Watchers. They were brought into regular service after a period of 20 years.

2.The contention of the petitioners is that till the year 1994, for appointment to the post of Plot Watcher, the only qualification is ability to read and write. However, in the year 1994, the Government issued G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994 prescribing SSLC as minimum

general educational qualification for appointment to the post of Forest Watcher, by which number of Plot Watchers who were engaged on daily wage basis were not considered for appointment as Forest Watcher, for the reason that they did not possess the SSLC qualification as prescribed in the G.O.Ms.No.332, dated 22.12.1994.

3.The grievance of the petitioners is that even though they have possessed SSLC qualification and were given regular time scale as Forest Watcher in the year 1995 itself along with 425 others, by virtue of interim stay granted by the Tribunal, the petitioners could not join the regular post of Forest Watcher. However, some of the other persons who got promoted during the same period have joined the regular post of Forest Watcher before the grant of interim stay by the Tribunal and they continued in the regular post to the detriment of the petitioners. Subsequently, the Government issued another G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 whereby the order prescribing SSLC as a minimum educational qualification has been revoked.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Forests) for the respondents and perused the materials available on record.

5.Counsel for the petitioners submits that the issue is covered by the decision of this Court made in W.P.No.32498 of 2013 dated 28.11.2013 (A.Gopalakrishnan and 12 others vs. Government of Tamil Nadu, Forest & Environment Department and another), wherein this Court held as follows:

"3.The issue involved in this writ petition is already settled by this Court in W.A.No.607 of 2010 dated 20.03.2010 and W.P.No.23374 of 2008 dated 30.10.2009. In view of that, the writ petition is allowed directing the respondents to appoint the petitioners in the regular time scale of Forest Watchers by taking into account of their seniority and qualification on par with their juniors and in the light of the earlier orders of this Court, within a period of sixteen weeks from the date of receipt of a copy of this order. No costs."

6.In view of the above, the writ petitions are allowed, directing the respondents to appoint the petitioners in the regular time scale of Forest Watchers by taking into account of their seniority and qualification on par with their juniors, in the light of the earlier orders of this Court, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government of TamilNadu,
(FR-2) Forest and Environment Department,
Fort St.George, Chennai - 600 009.
- 2 The Principal Chief Conservator of Forest
Panagal Building
Saidapet, Chennai - 600 015.
- 3 The Principal Accountant General of T.N.
Accounts and Entitlement
O/o. The Accountant General,
Teynampet, Chennai - 600 018.

+lcc to the Special Government Pleader Sr.65212

सत्यमेव जयते

W.P.Nos.39737 and
39738 of 2016

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srg 08/12/2016

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