

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40188 of 2016

R.Venkatesan

... Petitioner

vs.

The Chief Conservator of Forests & Director,
Arignar Anna Zoological Park,
Vandalur, Chennai 600 048.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent to consider the petitioner's representation dated 15.03.2016 to regularize him from 01.02.1999 within a time frame.

For Petitioner : Ms.K.Bharathi

For Respondent : Mr.N.Inbanathan,
Government Advocate (Forest)

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent to consider his representation dated 15.03.2016 to regularize him from 01.02.1999, within a stipulated time.

2. According to the petitioner, he joined in Arignar Anna Zoological Park, Vandalur, Chennai 600 048 as a daily wage employee on 27.07.1983 and has been working in the said Management without any charges for the past 35 years. Initially, Arignar Anna Zoological Park Management had regular 72 daily wage employees in the year 1991. Thereafter, the Management prepared a seniority list and the petitioner's name was placed vide No.62. Based on the seniority list, the Zoo Management regularized 50 daily-wage employees in the year 1995.

3. It is further stated by the petitioner that his wife was working in the Zoo Management as a regular employee. On 30.06.1992, his wife committed suicide, for which, a false case was registered against the petitioner and his parents and on that ground, the petitioner was orally terminated by the Vandalur Zoo Management on 01.07.1992. On 12.03.1996, the petitioner sent a letter to the respondent/Management requesting them to give him job, as charge sheet had not been filed against him for the past four years. Accepting the petitioner's request, the Zoo Management reinstated the petitioner into service from 01.04.1996.

4. Again, the petitioner was terminated by the Management on 01.04.1997 for the same criminal charges framed against him. For the second time, the petitioner gave a letter to the Management to provide him employment and the Zoo Management once again reinstated him on 25.06.1997 and sent a letter to the Principal Chief Conservator of Forests, Chennai 600 015, stating that due to shortage of employees, reinstatement order has been issued to the petitioner and that he will be removed from service, if he is convicted in the criminal case pending against him. In this regard, the Principal Chief Conservator of Forests, Chennai sent a letter to the Secretary of Environment and Forests on 10.07.1997 and vide letter dated 19.03.1998, the Secretary of Environment and Forests sent a letter to the Principal Chief Conservator of Forests, Chennai 600 048 stating that the proposals for regularization of the petitioner's service may be sent to the Government only after the receipt of final orders in the criminal case registered against the petitioner.

5. On 27.10.1998, the petitioner was acquitted from the criminal case in S.C.No.369 of 1997 by the Principal Assistant Sessions Judge. Thereafter, the petitioner sent a letter to the Zoo Management on 07.12.1998 enclosing a copy of the Government Letter No.33397/FR.V(1)/97-9, dated 19.03.1998 and the order of Principal Assistant Sessions Judge, Chengalpet in S.C.No.369 of 1997 to reinstate him in service. Further, he sent a letter to the Zoo Management on 23.02.1999 to take necessary action to regularize him as a regular employee. But, the petitioner was regularized only on 30.09.2010. Hence, the petitioner approached the Management to regularize him from 01.02.1999 and he also sent a letter to the Zoo Management on 15.03.2016 to take necessary action to regularize him from 01.02.1999. Finding no action on his representation, the petitioner is before this Court.

6. When the matter is taken up for consideration, learned counsel for the petitioner submitted that it would suffice if

the petitioner's representation dated 15.03.2016 is directed to be considered by the respondent/Zoo Management and appropriate orders are passed.

7. In view of the above, without expression any opinion on the merits of the case, this Court directs the petitioner to send a copy of the representation dated 15.03.2016 along with a copy of this order to the respondent/Zoo Management within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of six weeks, thereafter.

With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

The Chief Conservator of Forests & Director,
Arignar Anna Zoological Park,
Vandalur, Chennai 600 048.

+ 1 cc to The Spl.Govt. Pleader, (Forest) High Court, Madras.
Sr 68294

+ 1 cc to Ms.K.Bharathi, Advocate Sr 68390

KR/28/12

सत्यमेव जयते

W.P.No.40188 of 2016

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