

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40308 of 2016

Nagalingam

... Petitioner

Vs

1 Government of Tamil Nadu
Rep by 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 Medherpakkam
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 regularize 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 with effect from 1.4.2009 based on the proposal of the 4th respondent to the 3rd respondent and to confer all consequential benefits based on the representation of the petitioner dated 3.10.2016.

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 regularize his service 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 with effect from 1.4.2009 based on the proposal of the fourth respondent to the third respondent and to confer all consequential benefits based on his representation dated 3.10.2016.

3. It is the case of the petitioner that he was appointed as Plot Watcher / Garden Watcher in the respondent department on 1.4.2009 on daily wage basis and he has rendered for more than seven years of service. Hence, he is entitled to be brought into regular time scale of pay. Therefore, he made several representations to the respondents to regularize his service. Considering his bona fide request, the fourth respondent has sent a communication to the third respondent recommending the petitioner to include his name in the state wide seniority list as Plot Watcher. But, the same is still pending without any progress. In this regard, the petitioner made a representation dated 3.10.2016 to the respondents. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

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 second respondent to consider the representation of the petitioner dated 3.10.2016 seeking regularization of his service for the post of plot watcher and for fixation of time scale of pay taking into account of the seniority and qualification on par with his juniors with effect from 1.4.2009 and pass appropriate orders, on merits and in accordance with law and also based on the proposal of the fourth respondent to the third respondent, within a period of six

weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//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 Medherpakkam
Thiruvallur District

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.66756
+1cc to the Government Pleader, S.R.No.66641

ak(CO)
md(02/12/2016)

W.P.No.40308 of 2016

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