

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40408 of 2016

1 M.Alagar
2 S.Ramasamy
3 M.Velmurugan
4 K.Selvaraj
5 A.Robinston ... Petitioners

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 Wild Life Warden
Gulf Mannar Marine National Park
Ramanathapuram ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to include the name of the petitioners in the State Wide Seniority List in the light of G.O.Ms. No.202 Environment and Forest Department dated 18.12.2013 so as to enable the petitioners to get their services regularised in the time Scale of Pay as Plot Watcher (Supernumerary) as per the recommendations made by the third respondent in his proceedings in Na.Ka. No.M/1136/2013 dated 12.9.2014 within a time limit that may be stipulated by this Court.

For Petitioners : Mr.S.Mani

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

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to include their names in the State Wide Seniority List in the light of G.O.Ms. No.202, Environment and Forest Department, dated 18.12.2013 so as to enable them to get their services regularised in the time Scale of Pay as Plot Watcher (Supernumerary) as per the recommendations made by the third respondent in his proceedings in Na.Ka. No.M/ 1136/2013 dated 12.9.2014 within a time limit that may be stipulated by this Court.

3. It is the case of the petitioners that they have been engaged in the daily wage employment during the year 1993. Though they have completed more than 20 years of service, their names have not been included in the state wide seniority drawn by the department during the year 1999 and their services have not been regularized. In fact, the third respondent by proceedings dated 12.9.2014 sent a proposal to the respondents to regularize the service of the petitioners. However, their service were not regularized till date. Hence, the petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners submitted that based on G.O.Ms.No.202, Forest Department dated 18.12.2013, the similarly persons like that of the petitioners, whose name were not included in the State-Wide seniority list as per G.O.Ms.No.64 dated 03.08.1999, were granted regularisation. The learned counsel further submitted that the petitioners would be satisfied, if a direction is given to the second respondent to consider and pass orders on the representation submitted by the petitioners dated 1.12.2015, within a stipulated period, by referring to the above Government Order and on the basis of the proposal dated 12.9.2014, submitted by the third respondent.

5. I have also heard the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

6. In view of the said submission made by the learned counsel appearing for the petitioners, without going into the merits of the claim projected by the petitioners, this Court directs the petitioners to send a copy of the representation dated 1.12.2015 along with a copy of this order to the first 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 first respondent is directed to consider the said representation seeking regularization of their service and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.202, Forest Department dated 18.12.2013 and as per the recommendations made by the third respondent in his proceedings in Na.Ka. No.M/ 1136/2013 dated

12.9.2014 within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-

Assistant Registrar (CS VI)

/TRUE COPY/

Sub-Assistant Registrar

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 Wild Life Warden
Gulf Mannar Marine National Park Ramanathapuram
- +1CC to MR.S.MANI Advocate SR.NO.66410
+1CC to SPL. GOVERNMENT PLEADER SR.NO.66645

W.P.No. 40408 of 2016

SR[CO]

MK:09/12/2016

सत्यमेव जयते

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