

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40946 and 40947 of 2016

P.Chennan ... Petitioner in W.P.No.40946/2016
K.Mohan ... Petitioner in W.P.No.40947/2016

Vs.

- 1 The Government of Tamilnadu
rep. by its Secretary
Environment and Forest Department,
Secretariat,
Chennai - 600 009.
- 2 The Principal Chief Conservator of Forest
Having Office at Panagal Maaligai,
Saidapet,
Chennai - 600 015. ... Respondents in both the W.Ps.

Common Prayer:

Petitions 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 Forest Watchers taking into account of their seniority and qualification, on par with their Juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioners : Mr.S.Mani
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 06.09.1982 and 01.02.1984 respectively, 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.

s/d-
Assistant Registrar

/true copy/

Sub-Assistant Registrar

To

- 1 The Government of Tamilnadu
rep. by its Secretary
Environment and Forest Department,
Secretariat,
Chennai - 600 009.
 - 2 The Principal Chief Conservator of Forest
Having Office at Panagal Maaligai,
Saidapet,
Chennai - 600 015.
- +2 CC to M/s. S. Mani, Advocate SR 6792
+1 CC to Spl. Govt Pleader SR 67900

सत्यमेव जयते

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