

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41434 of 2016

A.Murugan

...Petitioner

Vs

1 The State of Tamil Nadu
Rep by its Secretary to Government
Environment and Forest Department Fort St
George Chennai-9

2 The Principal Chief
Conservator of Forest & Head of the
Department panagal Building Saidapet
Chennai-15

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioners claim to appoint him as Plot Watcher in Supernumerary post in the light of the seniority NO.5437 as found in the Statewide Seniority list with effect from the date of his juniors appointment as Forest Watcher within time frame in the light of the Judgment in W.P. 10298 of 2014.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.E.Manogaran,
Addl. Govt. Pleader (Forest)

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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 consider his claim for appointment as Plot Watcher in Supernumerary post in the light of the seniority No.5437 as found in the Statewide Seniority list with effect from the date of his juniors' appointment as Forest Watcher within time frame in the light of the Judgment in W.P.No.10298 of 2014.

3. It is the case of the petitioner that he joined service as Plot Watcher on 1.12.1992 in Polur Crash Plantation Range, Vellore Crash Plantation Division. Subsequently, on account of shortage of funds, by the proceedings of the second respondent dated 19.12.1996, he was ousted from service. Thereafter, he was re-instated into service and instructed to work under the control of Village Forest, Chinnakalthambadi Village. While so, the Government issued G.O.Ms.No.64 Environment and Forest Department dated 8.3.1999 to regularize the services of the Plot Watchers in a phased manner on the basis of their replacement in the state wide seniority list, which contains 5442 person. The petitioner's name was also included as Sl.No.5437. In this regard, the second respondent sent a proposal to the Government to regularize the services of all the Plot Watchers / Social Forestry Workers. In the year 2009, the Government issued G.O.Ms.No.95, Environment and Forest Department dated 7.8.2009 to regularize the temporary service of all the Plot Watchers / Social Forestry Workers in the department, who have completed ten years of service and whose names were included in the state wide seniority list. Based on the said GO, 3050 posts were sanctioned as supernumerary Plot Watcher and many of the persons were appointed in the post. But, some of them were left, including the petitioner. Similarly placed persons like that of the petitioner, approached the respondents for appointing them on regular salary as per the judgment rendered in W.A.No.887 of 2010 following G.O.Ms.No.140, Environment and Forest Department dated 31.5.2012 and as per the proceedings of the second respondent, they were appointed on supernumerary post in the time scale of pay of Rs.2500-5000. The petitioner's name was also included in the list of 3050 persons and the same was also recommended and approved by the first respondent. In spite of the same, his service was not regularized. Further, one

G.Parimali, who is also similarly placed, approached this Court by filing a writ petition in W.P.No.10298 of 2014 and this Court, by order dated 27.2.2015, has allowed the said writ petition. Narrating all the facts, the petitioner sent a representation dated 10.11.2015 to the respondents seeking regularization. Since the same was also not considered so far, 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 Additional Government Pleader (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 petitioner to send a fresh representation along with a copy of this order to the second 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 second respondent is directed to consider the said representation seeking appointment as Plot Watcher in Supernumerary post in the light of the seniority No.5437 as found in the Statewide Seniority list with effect from the date of his juniors' appointment as Forest Watcher and pass appropriate orders, on merits and in accordance with law and also in the light of the order of this Court dated 27.2.2015 made in W.P.No.10298 of 2014 (G.Parimala vs. State of Tamil Nadu and others) within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Environment and Forest Department
Fort St. George Chennai-9, Tamilnadu.
- 2 The Principal Chief
Conservator of Forest & Head of the
Department panagal Building Saidapet
Chennai-15

+1cc to Ms.K.Jenitha, Advocate, S.R.No. 69020

+1cc to the Government Pleader (Forest), S.R.No. 69235

W.P.No. 41434 of 2016

VGI (CO)
PSI (28/12/2016)



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