

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41836 and 41837 of 2016

P.Duraisami

... Petitioner in
W.P.No.41836/2016

A.Thandavan

... Petitioner in
W.P.No.41837/2016

Vs

1 The State of Tamilnadu
rep. by its Secretary to Government (FR2)
Forest and Environment Department Fort St.
George Chennai-9

2 The Principal Chief
Conservator of Forest Panagal Building
Saidapet Chennai-15

... Respondents in
both the writ petitions.

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to appoint the petitioners as regular time scale of pay in Forest Watchers taking into account of their service seniority and qualifications on par with their juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.3.2008 W.A.No.690/2008 dated 13.10.2009 W.P.No.23374/2008 dated 30.10.2009 W.A.No.607/2010 dated 20.3.2010 and proceedings of the 2nd respondent dated 7.1.2011 and grant all consequential service benefits with arrears.

For Petitioner : Mr.P.Rajesh,
in both the writ petitions.

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forest),
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to appoint them as regular time scale of pay in Forest Watchers taking into account of their service seniority and qualifications on par with their juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.3.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009 and W.A.No.607 of 2010 dated 20.3.2010 and the proceedings of the second respondent dated 7.1.2011 and grant all consequential service benefits with arrears.

3. The petitioners have joined the Forest department on daily wage basis during the year 1979. 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 Dept., 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.

4. Now, 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 Dept., dated 8.3.1999, whereby the order prescribing SSLC as a minimum educational qualification has been revoked.

5. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents and perused the materials available on record.

6. Learned counsel appearing for the petitioners submits that the issue involved in the present writ petition 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. Govt. Of Tamil Nadu, Forest & Environment Dept. 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 20.3.2010 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."

7. In view of the above, the present writ petitions are allowed, directing the respondents to appoint the petitioners in the regular time scale of Forest Watchers by taking into account their seniority and qualification on par with their juniors, in the light of the earlier orders of this Court, and confer all consequential benefits, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1 The Secretary to Government (FR2)
Forest and Environment Department Fort St.
George Chennai-9

2 The Principal Chief
Conservator of Forest Panagal Building
Saidapet Chennai-15

+2cc to Mr.P. Rajesh, Advocate, S.R.No.69863,69864
+1cc to the Government Pleader, S.R.No.70068

sai(CO)
md(19/12/2016)

W.P.Nos.41836 and 41837 of 2016