IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42143 of 2016

G.Velayutham ... Petitioner

vs.

1. Government of Tamil Nadu
   represented by its Secretary
   Environment and Forest Department
   Fort St. George,
   Chennai - 600 009.

2. The Principal Chief conservator of Forest,
   Panagal maaligai,
   Saidapet, chennai - 600 015.

3. The District Forest Officer,
   Ariyalur Division,
   Ariyalur. .. 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 give effect to the proposal sent by the third respondent in Na.Ka.No.2208/2016/Pa dated 27.10.2016 and to pass appropriate orders thereof to regularize the service of the petitioner as Plot watcher (supernumerary) in the light of G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010. Within a specified time limit that specified by this court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan.

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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 Writ of Mandamus, directing the respondents 1 and 2 to regularize the service of the petitioner in the light of G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010.

3. It is the case of the petitioner that the petitioner was joined as Anti-Poaching Watcher on daily wage basis in the Forest Department on 01.02.2006 and he is continuously working without any break in service for the past 11 years. Therefore, it was recommended by the second respondent to regularize his service. Considering the same, the Government passed G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010, whereby it ordered to regularize the service of 137 Anti-Poaching Watchers, who have completed 10 years of service on daily wage basis by creating supernumerary post in the special time scale of pay of Rs.2500-5000 + grade pay of Rs.500/-. Even though the petitioner was working as Anti-Poaching Watcher at the time of passing the above G.O and completed 10 years of service, his service has not been regularized or his name has not been included among the 137 Anti-Poaching Watcher, who were regularized by way of the above said Government Order. Hence, the petitioner made representations dated 23.02.2016 and 10.08.2016 to the respondents. On the basis of the representations, the third respondent sent a proposal to the Government in Na.Ka.No.2208/2013/Pa dated 27.10.2016, whereby the third respondent was pleased to recommend the claim of persons working in various Forest Range for regularization in as much as they have completed more than 10 years of service on daily wage basis. In the proposal dated 27.10.2016, the name of the petitioner was included in Serial No.2. Even though, such a proposal was sent on 27.10.2016, the respondents 1 and 2 have not passed any order to regularize the service of the persons named in the proposal dated 27.10.2016. Hence, the petitioner has come forward with the present petition.

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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the petitioner to give a copy of the representation dated 10.08.2016 to the respondents 1 and 2, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondents 1 and 2 are directed to consider the proposal sent by the third respondent in Na.Ka.No.2208/2016/Pa dated 27.10.2016 and pass appropriate order with regard to regularize the service of the petitioner as Plot Watcher(supernumerary) in the light of G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010, within a period of six weeks thereafter.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Secretary to Government of Tamil Nadu
   Environment and Forest Department
   Fort St. George,
   Chennai - 600 009.

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2. The Principal Chief conservator of Forest,
Panagal Maaligai,
Saidapet, Chennai - 600 015.

3. The District Forest Officer,
Ariyalur Division,
Ariyalur.

+1cc Mr.S.Mani, Advocate, sr.71358

+1cc The Spl.Government Pleader, sr.70993

GMI(CO)
RMP(20/01/2017)

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