

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.4264 of 2016

G.Periyasamy

.. Petitioner

vs

1. The 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. The District Forest Officer
Villupuram
Villupuram District.
4. The Assistant Conservator of Forests
Protection Squad
Villupuram
Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to appoint the petitioner on compassionate grounds either as Office Assistant or Record Clerk or in any other suitable post befitting to his educational qualification in the light of the proceedings of the fourth respondent in Na.Ka.No.298 of 2014 dated 09.06.2015 within a specified time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents: Mr.N.Inbanathan GA(P)
1 to 4 Additional Government Pleader
takes notice

O R D E R

The petitioner, Mr.G.Periyasamy has come up before this Court seeking a writ of mandamus directing respondents 1 and 2

to appoint him on compassionate grounds either as Office Assistant or Record Clerk or in any other suitable post suiting his educational qualification in the light of the proceedings of the fourth respondent, Assistant Conservator of Forest, Protection Squad, Villupuram in Na.Ka.No.298 of 2014 dated 09.06.2015 within a specified time.

2. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice on behalf of respondents 1 to 4.

3. The case of the petitioner is that the petitioner's father late Govindasamy was initially appointed as a Plot Watcher on daily wage basis; subsequently, he was brought into regular time scale of pay and as per seniority, he was appointed as a Forest Watcher. While serving as a Forest Watcher, unfortunately, the petitioner's father died on 22.03.2014, while in service. Therefore, the petitioner was given appointment on compassionate ground as a Forest Guard on 27.02.2015 vide proceedings issued by the second respondent, viz., Principal Chief Conservator of Forests in Na.Ka.No.AA2/50856/2012-1. In the said proceedings a direction was also issued to the third respondent to assess the suitability and eligibility of the petitioner for appointment to the said post. As per the said direction, the third respondent conducted an interview and he was selected to the post of Forest Guard. In such circumstances, while the petitioner was anticipating an appointment order, the third respondent vide his letter dated 27.04.2015 addressed to the Conservator of Forests, Villupuram stating that the petitioner does not possess the requisite height for holding the post of Forest Guard as per the Rules, however, he has recommended that the petitioner could be accommodated in any other suitable post, viz., Office Assistant or Record Clerk. But till date, no order was passed by the respondents. It is the further case of the petitioner that the fourth respondent has also vide his proceedings dated 09.06.2015 addressed to the second respondent, has forwarded the recommendation made by the third respondent for giving appointment to the petitioner on compassionate grounds for any other post, viz., Office Assistant or Record Clerk or any other suitable post. The petitioner has also submitted a representation on 01.10.2015 to the first respondent seeking appointment on compassionate ground. Since the same has not been considered till date, the present writ petition has been filed.

4. Considering the facts and circumstances of the case, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 01.10.2015 in the light of the proceedings issued by the second and third respondents earlier and issue appointment order to him on compassionate grounds

befitting his educational qualification either as an Office Assistant or Record Clerk or any other suitable post. Such exercise shall be completed by the respondents within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
to 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. The District Forest Officer
Villupuram
Villupuram District.
4. The Assistant Conservator of Forests
Protection Squad
Villupuram
Villupuram District.

+1cc to Mr.S.Mani, Advocate, S.R.No.7279
+1cc to the Government Pleader, S.R.No.7336

W.P.No.4264 of 2016

nm(CO)
srg(19/02/2016)