

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43172 of 2016

K.Pandian

.. 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,
Panagal Building,
Saidapet,
Chennai -15.
 3. The District Forest Officer,
Tanjavur District,
Tanjavur.
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to implement the order passed by this Court in W.P.No.23374 of 2008, dated 30.10.2009 and to regularise the petitioner's service as Forest Watcher on par with his juniors notional regularization with all consequential service and monetary benefits within time frame.

For Petitioner : M/s.K.Jenitha
For Respondents : Mr.N.Inbanathan,
Government Advocate (Forests)

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. Mr.N.Inabanathan, learned Government Advocate (Forests) accepts notice on behalf of the respondents. The petitioner would state that he joined the service as Social Forestry worker on

09.11.1984 through Employment Exchange vide Proceedings in Na.Ka.No.255 of 1984, dated 20.10.1984 in the Puthukottai Social Forestry Division of Trichy circle and he was paid from contingencies. His educational qualification is that he has completed B.A. degree. The petitioner would further state in the year 1994, the first respondent Government in G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994 imposed a new condition of pass in S.S.L.C. for holding regular post of Forest Watcher and accordingly, vide proceedings No.1376/95.E1, dated 23.01.1995 of the Chief Conservator of Forests, Coimbatore Circle, the petitioner was appointed as Forest Watcher. Some of them made a challenge before the Tamil Nadu Administrative Tribunal in O.A.No.197 of 1995. It was entertained during the pendency of the said application, the Government had relaxed the service rules and restored the qualification as ability to read and write instead of a pass in S.S.L.C. through G.O.Ms.No.64, Environment & Forest Department, dated 08.03.1999. The petitioner would further state that on account of the subsistence of the interim order, he was not promoted though included in the Statewide Seniority list in Serial No.326. Further it is stated that some of his juniors got promotion also.

3. The first respondent herein issued G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 for preparation of the Statewide Seniority list of social forestry workers / plot watchers and to regularise their services as and when the permanent vacancy arises with cut off date in the year 1993. Accordingly, the petitioner's name has been included in the State Wide Seniority List in Sl.No.3796.

4. The petitioner and 23 others, who are similarly placed filed W.P.No.23374 of 2008 praying for issuance of a writ of mandamus directing the respondents 1 and 2 therein to appoint the petitioners therein as Forest Watcher taking into account of seniority and qualification on par with the juniors by considering the representations submitted by the petitioners therein. This Court, vide order dated 30.10.2009 had directed the respondents 1 & 2 to consider the representation of the petitioners therein for the purpose of granting regularisation of the service of the petitioners not only on the basis of G.O.Ms.No.95, Environment and Forests (FR-2) Department, dated 07.08.2009, but also taking note of the appointment of the subsequent juniors who have got further promotions and pass orders on merits and in accordance with law.

5. The grievance expressed by the petitioner is that now despite the above said order passed by this Court, no steps have been taken by the respondents 1 and 2 to regularise the services of the petitioner and in this regard, the petitioner has also submitted representations dated 08.01.2014 and 31.10.2015 respectively through proper channel to the respondents herein and since the petitioner is yet to be favoured with any kind of

response, he has approached this Court by filing this writ petition.

6. Heard the submissions made by the learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate (Forests) appearing on behalf of the respondents .

7. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider the representations dated 08.01.2014 and 31.10.2015 on merits and in accordance with law, after taking into account, the order passed by this Court in W.P.No.23374 of 2008 dated 30.10.2009 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 15.
3. The District Forest Officer,
Tanjavur District,
Tanjavur.

+1cc to Mr.K.Jenitha, Advocate, S.R.No.72849
+1cc to the Government Pleader, S.R.No.73044

W.P.No.43172 of 2016

gj (co)
pmk.11/1/2017