

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43803/2016

S.Settu

..Petitioner

Vs

1.The Secretary to Government
State of Tamil Nadu
Environment and Forest Department
Fort St George, Chennai-9.

2.The District Forest Officer
Nilgiris North Division,
Udhagai.

3.The Deputy Director,
Aringnar Anna Zoological Park,
Vandalur, Chennai-48.

... 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 consider the petitioner's representation with regard to regularise his service and re-fix the scale of pay on par with his junior working as Mali in the Zoological Park Wing in the light of G.O.Ms.No.22, P&AR Department dated 28.02.2016 within time frame.

For Petitioner : M/s.K.Jenitha
For Respondents : Mr.N.Inbanathan, GA [Forests]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate [Forests] accepts notice on behalf of the respondents.

2 The petitioner was initially appointed as Plot Watcher on 01.01.1980 in Social Forestry Division, Vellore and as per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, his name was included in the Statewide Seniority List in Sl.No.716 and as per his seniority, he was given appointment as Mali and posted to Forestry Extension Centres, Pallikonda, Vellore on 01.08.2007 and he was not paid with the pay scale of Mali and was compelled to work on temporary basis. The petitioner would further claim that his services were brought into regular time scale of pay with effect from 07.08.2009 vide G.O.Ms.NO.95, Environment and Forest Department dated 07.08.2009. The grievance expressed by the petitioner is that though one P.Manikam, who joined the service on 30.04.1985 after the petitioner, was regularised on 09.10.2010 as per G.O.Ms.No.142, Environment and Forest [FR-5] Department and on coming to know of the same, he has immediately submitted a representation to the respondents on 05.11.2015, praying for regularisation of his services as well as setting right in anomaly in pay and despite the receipt and acknowledgment of the same, he is yet to be favoured with any kind of response. Hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner would submit that since the services of similarly placed persons like that of the petitioner, were regularised and based on the principle of parity, the petitioner is also entitled to the relief and prays for appropriate orders.

4 This Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate [Forests] appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the respondents 2 and 3 praying for regularisation and setting right the pay anomaly in terms of G.O.Ms.No.142, Environment and Forest [FR-2] Department dated 30.09.2010, within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3, on receipt of the same, are directed to send necessary proposal to the 1st respondent within a further period of six weeks thereafter and the 1st respondent, on receipt of the proposal from the respondents 2 and 3, is directed to consider the same

on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary to Government
State of Tamil Nadu
Environment and Forest Department
Fort St George, Chennai-9.

2.The District Forest Officer
Nilgiris North Division,
Udhagai.

3.The Deputy Director,
Aringnar Anna Zoological Park,
Vandalur, Chennai-48.

+1cc to Mr.K. Jenitha, Advocate, S.R.No.74387

sk(CO)
md(06/01/2017)

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