

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.4440 of 2016
and
WMP Nos.3769 and 3770 of 2016

M. Murugan

... Petitioner

Versus

1. The Secretary to Government
Environment and Forest Department
Secretariat, Chennai-9.
2. The Principal chief Conservator of Forest
Head of Forest Force,
Panagal Building,
Saidapet, Chennai-600 015.
3. S.Muthuramalingam
4. N.A.Arumugam
5. V.Venkatesan
6. K.Thangaraj
7. S.Sundararaju
8. K.Arunachalam
9. M.Shakespeare
- 10.C.Vaithiyalingam
- 11.M.Subramanian
- 12.A.M.Chinnathambi

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for records from 2nd respondent in proceedings Na.Ka.No.AA1/34810/2014-1 Dated 01.02.2016 and quash the same illegal and further direct the 2nd respondent to prepare fair seniority for the post of Forest Watchers based on a G.O.Ms.No 64 E & F (F2) dated 08.03.1999 and by reversing the Respondent 3 to 12 persons illegal appointment in the Forest Department and made appointment and promotion based on the fresh seniority list on the basis of G.O.Ms.No.64 E & F (F2) Dated 08.03.1999.

For Petitioner : Mr.V.Stalin

For Respondents : Mr.Inbanathan (R1 and R2)

O R D E R

The petitioner calls in question the proceedings dated 01.02.2016 of the second respondent. By the said proceedings, the second respondent deputed 11 employees for the Ranger training post. According to the petitioner, the above said 11 employees are not entitled to be deputed for the said training and therefore, he has come up with this writ petition.

2. The petitioner was appointed as Forest Guard by direct recruitment on 25.10.2000 and promoted as Forester on 21.12.2011. According to him, he is fully qualified for promotion to the post of Forest Range Officer as he is in possession of all the requisite qualifications for holding the said promotional post. It is the contention of the petitioner that several persons came to be employed on daily wage basis in the Forest Department during 1980 and to rehabilitate them the Government issued various orders based on which they were brought into regular time scale of pay as Forest Watcher and subsequently promoted to the post of Forest Guard. In this context, the Government issued G.O. Ms. No.332, Environment and Forest Department dated 22.12.1994 whereby it ordered that those daily wage employees who possess minimum general educational qualification of S.S.L.C. shall be brought into time scale of pay. This order passed by the Government was challenged by the daily wage employees before the Tribunal and during the pendency of the same, the Government itself revoked G.O. Ms. No.332 by passing G.O. Ms. No.64, Environment and Forest Department dated 08.03.1999 ordering that the ability to read and write is sufficient to consider regularising the daily wage workers. In such circumstances, according to the petitioner, the daily wage workers, whose service were regularised in the cadre post of Forest Watcher and promoted as Forest Guard cannot be equated with the directly recruited Forest Guard like him and they should be placed below the directly recruited Forest Guard in the seniority list. While so, when the second respondent passed the order dated 01.02.2016 deputing the persons who are holding the post of Forest Guard for Ranger Training, the petitioner has filed this writ petition questioning the validity of the same.

3. The learned Government Advocate appearing for the respondents 1 and 2 as well as the learned counsel for the respondents 3 to 12 have brought to the notice of this Court that the issue relating to seniority of the employees working in the Forest Department is the subject matter of writ appeal No. 811 of 2011 before the Division Bench of this Court. It is also brought to the notice of this Court that even though the respondents 3 to 12 were deputed for training on 01.02.2016 pursuant to the impugned order, by virtue of the interim stay granted by this Court, they were recalled from the training on 05.02.2016. In any event, the impugned order of the second respondent deputing the respondents 3 to 12 for training will not confer any right on them to claim seniority and

consequently, the impugned order does not call for any interference by this Court.

4. I heard the learned counsel appearing for both sides at length. It is brought to the notice of this Court by the learned counsel appearing for the respective respondents that the issue relating to the inter se seniority between the persons who are holding the post of Forest Guard by promotion and those who were directly recruited as Forest Guard in the Forest Department is the subject matter of the writ appeal No. 811 of 2011 before the Division Bench of this Court. Further, in the present case, by virtue of the interim stay granted by this Court, the respondents 3 to 12 were recalled from the training. Therefore, there is nothing survives for adjudication in this writ petition. However, it is made clear that even if the respondents 3 to 12 were deputed for training, undergoing such training will not confer them any right to assert seniority. Therefore, the second respondent is hereby directed to depute the respondents 3 to 12 herein for fresh Ranger training so as to enable them to complete such training. It is further made clear that the seniority of the petitioner and the respondents 3 to 12 will be governed by the judgment to be passed by the Division Bench of this Court in W.A. No. 811 of 2011

5. With the above observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr/rsh

To

1. The Secretary to Government,
Environment and Forest Department
Secretariat, Chennai-9.
2. The Principal chief Conservator of Forest
Head of Forest Force,
Panagal Building,
Saidapet, Chennai-600 015.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.31340
+1cc to Mrs. AL. Ganthimathi, Advocate, S.R.No.31470
+1cc to the Government Pleader, S.R.No.31488