

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.9000 of 2017

R.Prabhakaran

.. Petitioner

vs

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 9.

2.The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai - 15.

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

4.The District Forest Officer,
Thiruvannamalai North Forest Division,
Backmarg Pettai, Chenkunam Post,
Polur, Thiruvannamalai 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, particularly the second respondent to consider the representation dated 16.12.2014 of the petitioner for appointment to the post of Forest Watcher or Mali or any other suitable post on compassionate befitting to his age and educational qualification on par with others who were given such appointment in the Forest Department within a time limit that may be specified by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.N.Inbanathan
Government Advocate (Forests)

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of writ of Mandamus, directing the respondents, particularly the second respondent to consider the representation of the petitioner dated 16.12.2014 for appointment to the post of Forest Watcher or Mali or any other suitable post on compassionate ground befitting to his age and educational qualification on par with others who were given such appointment in the Forest Department within a specified time.

2.The petitioner having lost his father while serving as Social Forestry Worker on 27.12.2008, finding no response to the application made by his mother on 18.10.2010 seeking employment on compassionate ground, came to this Court by way of a writ petition in W.P.No.20087 of 2014 seeking a similar Mandamus directing the respondents therein to appoint him on compassionate ground as Forest Watcher or in any other suitable post in the Forest Department of fourth respondent Division in order to protect his family from starvation. This Court taking note of the recommendation made by the District Forest Officer, Thiruvannamalai to the Principal Chief Conservator of Forests in Letter No.7000/20/E1 dated 31.10.2011 for compassionate ground appointment as per Government letter No.86/01/2010-2 dated 04.05.2010 disposed of the writ petition on 09.10.2014 by directing the Principal Chief Conservator of Forests, Chennai to pass appropriate orders on the said representation. Now, it is pleaded that in spite of recommendation made by the District Forest Officer, Thiruvannamalai to the Principal Chief Conservator of Forests coupled with the direction issued by this Court on 09.10.2014 in W.P.No.20087 of 2014, no positive decision is taken. As a result, the petitioner has been compelled to initiate a second round of litigation by filing the present writ petition.

3.Mr.N.Inbanathan, learned Government Advocate (Forests) appearing for the respondents drawing notice of this Court to the proceedings dated 06.07.2016 would submit that the petitioner's request has to be answered subject to the complying with the seniority list of similarly placed eligible persons above the petitioner for granting compassionate appointment. He would further submit that as and when the petitioner becomes eligible in the seniority list, he would be certainly considered.

4.Recording the above submission, the second respondent is hereby directed to consider and issue appointment order to the petitioner as and when his seniority gets ripened.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse

To

1. The Principal Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Maaligai,
No.1, Jennis Road, Saidapet,
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3. The District Forest Officer,
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Thiruvannamalai District.
4. The District Forest Officer,
Thiruvannamalai North Forest Division,
Backmarg Pettai, Chenkunam Post,
Polur, Thiruvannamalai District.

+1cc to Mr.P.Ganesan, Advocate, S.R.No.22615
+1cc to the Government Pleader, S.R.No.22665

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PA(CO)
RS(11/05/2017)

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