

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5071 of 2017

K. Rajagopal

..Petitioner

Vs.

1.The Secretary,
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,
Kanchipuram District,
Kanchipuram.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P. No. 23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 20.03.2010 and confer all consequential benefits.

For Petitioner : M/s. C.Prabakaran

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 1 to 3.

2 The petitioner was appointed as Plot Watcher in the services of the Forest Department on 01.10.1984 on consolidated wage basis and was initially assigned with Social Forestry Work, Tiruvallur Range and according to him, his

services have been engaged in that capacity for two decades. The petitioner was subsequently brought into regular time scale of pay as a Plot Watcher, which is a cadre post/feeder category vide proceedings of the 3rd respondent dated 31.08.2009 and got his promotion as a Forest Watcher as per the proceedings of the Chief Forest Officer/Director, Mudumalai Tiger Sanctuary, Udagamandalam, vide order dated 11.11.2010. The name of the petitioner was also included in the Statewide Seniority List drawn by the said Department in Serial No.3700 and however, without any further promotion, he retired from service on 30.04.2012. The petitioner would further aver that till the year 1994, the qualification for appointment to the post of Plot Watcher is the ability to read and write and subsequently, the 1st respondent had issued G.O.Ms.No.332, dated 22.12.1994, prescribing SSLC as minimum general qualification for appointment/bringing the concerned employees into regular time scale of pay and it was put to challenge before the Tamil Nadu Administrative Tribunal and the stay was obtained and subsequently, the Government took a policy decision and issued G.O.Ms.No.64, dated 08.03.1999 in which, the above said qualification has been superseded and revoked. The grievance expressed by the petitioner is that but for G.O.Ms.No.332 of the 1st respondent Department dated 22.12.1994, they would have got consequential promotions and other attendant and retiral benefits and in this regard, the petitioner has also submitted a representation dated 30.01.2017 to the respondents and despite the receipt and acknowledgment, no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

3. The learned counsel for the petitioner would submit that the matter in issue is squarely covered by very many orders passed by this Court and in fact, one Mr.Ganesan and 6 others had filed WP.No.25262/2011 for similar relief and in pursuant to the orders passed by this Court, it has also been implemented vide proceedings of the 2nd respondent dated 04.02.2013 in Ref.No.LL1/49926/2011 and similarly, in respect of the petitioner in WP.No.743/2015, viz., Thiru.V.Ramachandran, the 1st respondent, vide Letter No.15360/FR.2/2015-3 dated 22.12.2015, has directed the 2nd respondent to comply with the order and in the light of the same, there cannot be any impediment on the part of the respondents to consider the request of the petitioner positively and pass appropriate orders within the stipulated time.

4. The Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate [Forests] appearing for the respondents and also perused the materials placed before it.

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, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 30.01.2017 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
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,
Kanchipuram District,
Kanchipuram.

+1cc to M/S. Prabakaran, Advocate Sr. 13342
+1cc to the Special Government Pleader Sr. 13397

ALA(CO)
VR(15/03/2017)

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