

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30604 of 2017

B.Nandhan

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by its Secretary to Government
Environment and Forest Department
Fort St.George
Chennai 600 009
2. The Principal Chief Conservator of Forest
Office at Panagal Maaligai
Saidapet
Chennai 600 0015
3. The District Forest Officer
Chennai Forest Division
Chennai 600 006 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to confer the benefit of G.O.Ms.No.73 dated 23.03.2017 in favour of the petitioner for regularising his service in the cadre post of Forest Watcher on par with similarly placed persons like him by considering the petitioner's representation dated 05.05.2017 within a time to be specified by this Hon'ble Court.

For Petitioner:: Mr.S.Mani

For Respondents:: Mr.E.Manoharan
Additional Government Pleader (F)

ORDER

This writ petition has been filed seeking a mandamus, directing the respondents 1 and 2 to confer the benefit of G.O.Ms.No.73 dated 23.03.2017 in favour of the petitioner for regularising his service in the cadre post of Forest Watcher on par with similarly placed persons like him by considering the

petitioner's representation dated 05.05.2017 within a short period.

2. Heard both sides.

3. The petitioner was appointed as Plot Watcher on daily wage basis in the Forest Department on 9.10.99. Even prior to his entry in the forest department, the Government issued G.O.Ms.No.64, Environment and Forest Department dated 8.3.99 stating that all those who were working as Plot Watchers on daily wage basis should be included in the Statewide seniority list in the category of Plot Watcher in order to bring them in the regular time scale of pay as Forest Watcher. After completion of ten years, the Government again issued another G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 bringing the petitioner and other similarly placed persons numbering 220 in the regular time scale of pay as Plot Watchers (supernumerary) from the date of issue of the said Government Order. Now the Government has also issued G.O.Ms.No.73, Environment and Forest Department dated 23.3.2017 directing the Forest Department to absorb the Plot Watchers (supernumerary) as Forest Watchers. Since the petitioner was already brought in the supernumerary post on 18.12.2013, he has given a representation on 5.5.2017 to include his name also as per the aforementioned G.O.Ms.No.73 dated 23.3.2017. But the same has not been considered. In the meanwhile, by proceedings dated 8.5.2017, the District Forest Officer, Chennai, the third respondent herein has also recommended the case of the petitioner for inclusion. The same also has not been given effect to. Therefore, he seeks for implementing the order dated 8.5.2017 for inclusion of his name in the seniority list.

4. A perusal of the proceeding dated 8.5.2017 issued by the third respondent also shows that the petitioner has been brought in the regular time scale of pay of Plot Watcher (supernumerary) with effect from 18.12.2013 and his name has been inadvertently left out in the list of 247 persons promoted as Forest Watchers on the basis of G.O.Ms.No.73 dated 23.3.2017. Therefore, the respondents 1 and 2 are directed to consider the case of the petitioner for inclusion on the basis of the proceedings dated 8.5.2017 issued by the third respondent and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

ss

To

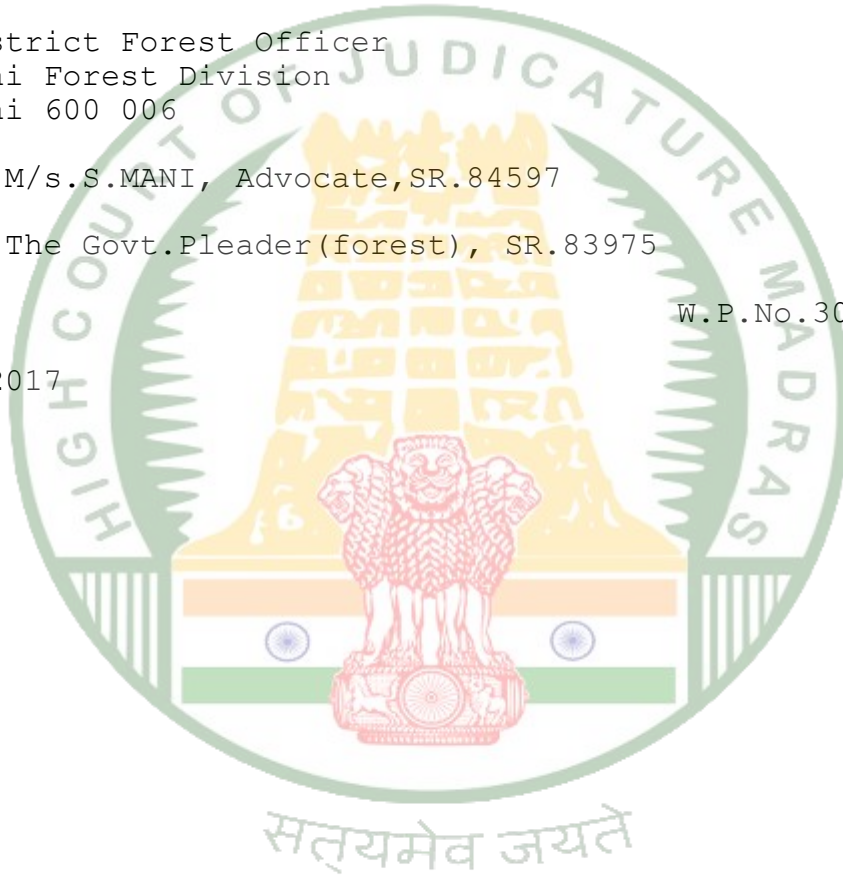
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2. The Principal Chief Conservator of Forest
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3. The District Forest Officer
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Chennai 600 006

+ 1 cc to M/s.S.MANI, Advocate, SR.84597

+ 1 cc to The Govt.Pleader(forest), SR.83975

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NR 19/12/2017



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