

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3099 of 2017

S.Bose

..Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai - 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.
3. The District Forest Officer,
Thanjavur Division,
Thanjavur.
4. The Principal Accountant General of Tamil Nadu,
Teynamept,
Chennai - 18.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st to 3rd respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.01.1984 to 24.01.1995 on temporary basis along with the regular service from 25.01.1995 till the date of retirement on 31.03.2015 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent under the old pension scheme for authorise the same with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest)

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed on 01.01.1984 as Plot Watcher and was paid from the contingencies. The first respondent issued G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 for preparation of Statewide Seniority List of Social Forestry Workers/ Plot watchers to regularize their services as and when the vacancy arises and as per the said G.O., the name of the petitioner was included in the Statewide Seniority List at Serial No.3256 and he was brought under the regular time scale of pay of Plot Watcher and was appointed as Forest Watcher in the regular time scale of pay by proceedings dated on 03.12.2010.

3. The petitioner would aver that the first respondent has issued G.O.Ms.No.332 Environment and Forest Department dated 22.12.1994 imposing new condition of pass in SSLC for holding the regular post of Plot Watcher and as per the said order, 425 qualified persons who had qualified were appointed as Forest Watchers. Challenge has been made to the said G.O. by filing O.A.No. 197 of 1995 before the Tamil Nadu Administrative Tribunal and during the pendency of the said litigation, the Government has relaxed the service rules and restored the qualification as to the ability to read and write instead of pass in S.S.L.C. through G.O.Ms.No.64 E & F Department dated 08.03.1999.

4. The grievance expressed by the petitioner is that in the light of the operation of the earlier Government Order, the persons who are junior to him had a march over and they have also got subsequent promotion as Forest Guard and Forest Ranger and consequent upon G.O.Ms.No.64 of the first respondent dated 08.03.1999, he is entitled to count half of service period rendered by him as Plot Watcher from 01.01.1984 to 24.01.1995 on temporary basis along with the regular service from 25.01.1995 till the date of retirement on 31.03.2015 and as qualifying service for the purpose of conferment of pension and other consequential benefits. In this regard, he has also submitted a representation dated 05.05.2015 to the 3rd respondent through proper channel and since no orders have been passed, he came forward to file this writ petition.

5. Learned counsel for the petitioner would submit that the various orders passed by this Court in this regard in W.P.No.19238/2015 etc. batch have been complied with by the 1st respondent in G.O.(3D) No.52 dated 21.12.2016 and since the petitioner is also similarly placed, he prays for appropriate orders.

6. This Court heard the submission of Mr.N.Inbanathan, learned Government Appearing for the respondents.

7. In the light of the above facts and circumstances,

this Court directs the 3rd respondent to consider the representation submitted by the petitioner dated 05.05.2015 and send necessary proposal through proper channel to the first respondent within a period of six weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the proposal is directed to consider the same on merits and in accordance with law in the light of the various orders passed by this Court and G.O.(3D) No.52 dated 21.12.2016 and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai - 9.
- 2.The Principal Chief Conservator of Forest,
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Saidapet,
Chennai - 15.
- 3.The District Forest Officer,
Thanjavur Division,
Thanjavur.
- 4.The Principal Accountant General of Tamil Nadu,
Teynamept,
Chennai - 18.

+1cc to M/S.K. Jenitha, Advocate for the Petitioner SR. 8090

+1cc to Special Government Pleader (Forest) SR. 8042

W.P.No.3099 of 2017

KJ(CO)
VR(21/02/2017)