

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.8974 of 2017

D.Sarasabai

.. Petitioner

vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai - 15.
3. The District Forest Officer,
Thiruvannamalai North, Polur. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to include the petitioner's name in the State wide seniority list in the light of the G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 so as to enable him to get his service regularized in the time scale of pay as Plot Watcher (Supernumerary) within a time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Mani

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

ORDER

This writ petition has been filed by the petitioner seeking for issuance of writ of Mandamus, directing the respondents 1 and 2 to include the petitioner's name in the State wide seniority list in the light of the G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 so as to enable him to get his service regularized in the time scale of pay as Plot Watcher (Supernumerary) within a specified time.

2.The petitioner was appointed as Plot Watcher in the Forest Department on 23.10.1996 on daily wage basis. After three years, i.e. in the year 1999, the Department drew State wide seniority list by including the daily wage workers throughout the State to make it as a basis for regularizing the service of the daily wage employee. However, in the said list, the petitioner's name was not included. After ten years, i.e. in the year 2009, the Government has issued G.O.Ms.No.95 Environment and Forest Department dated 07.08.2009 to confer supernumerary post to all the daily wage basis. The said benefit was also not extended to the petitioner on the ground that his name was not shown in the State wide seniority list. Again the Government issued G.O.Ms.No.202 Environment and Forest Department dated 18.12.2013 to include the daily wage employees in the Forest Department to regularize their service in a phased manner. Unfortunately, again the name of the petitioner was left out. Therefore, he gave a representation on 10.12.2016, but till date the same has not been considered.

3.Learned counsel appearing for the petitioner would submit that the representation given by the petitioner on 10.12.2016 shall be directed to be considered and till date, the petitioner has been working in the respondent Department. He would further submit that to show the petitioner's continuance in the respondent Department, he has produced the Service Certificate issued by the District Range Officer, Santhavasal, which shows that the petitioner has been working in the respondent Department from 06.05.2015 to till date. He would also submit that in similar circumstances, this Court in W.P.No.19780 of 2015 in the case of S.Narayanasamy vs. Government of Tamil Nadu, Rep. by its Secretary, Environment and Forest Department, Fort St. George, Chennai-9 dated 06.07.2015, has given a direction to the second respondent therein to consider the representation submitted by the similarly placed person on the basis of the G.O.Ms.No.64 dated 03.08.1999.

4.Mr.N.Inbanathan, learned Government Advocate (Forests), who takes notice on behalf of the respondents, seeks six weeks time to consider the petitioner's request.

5.In the light of the above, the respondents 1 and 2 are hereby directed to consider the name of the petitioner in the light of G.O.Ms.No.202 Environment and Forest Department dated 18.12.2013 and also G.O.Ms.No.64 dated 03.08.1999 within a period of six weeks from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai - 15.
3. The District Forest Officer,
Thiruvannamalai North, Polur.

+1 CC to Mr. Mani, sr 22563
+1 CC to Govt. Pleader sr 22060

W.P.No.8974 of 2017

MG (CO)
sp/11/5

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