

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 18.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1198 of 2017

P.Kannan

... Petitioner

-Vs-

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai.
 2. The Principal Chief Conservator of forest,
Panagal Building,
Saidapet,
Chennai - 15
 3. The District Forest Officer,
Kallakurichi Division,
Kallakurichi.
- Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to promote the petitioner as forest Watcher with effect from the date of his juniors promotion by considering the petitioner's representation dated 18.10.2014 in the light of the order 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 29.03.2010 and proceedings of the second respondent dated 07.01.2011 with all consequential benefits.

For Petitioner : Mr.K.Jenitha

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

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate (Forest) accepts notice for the respondents.

2. The petitioner, in the affidavit filed in support of the petition would aver among other things that he joined as a Social Forestry Worker by way of sponsoring through jurisdictional Employment Exchange on 01.05.1983 on temporary basis and according to him, ever since the date of joining, he is working continuously for more than 25 years as Social Forestry Worker. The petitioner would further submit that after two decades of service, he was brought into regular time scale of pay in the cadre of Forest Watcher by proceedings of the Conservator of Forests, Erode Circle dated 07.10.2008. It is also the case of the petitioner that as per the Tamil Nadu Forest Subordinate Service Rule 5, the qualification for the post of Forest Watcher, Plot Watcher and Social Forestry Worker had been described and according to him since, he possesses all requirements, his name was included in the seniority list of the 2nd respondent for appointment to the post of Forest Watcher. It is also stated by the petitioner that as per G.O.Ms.No.332 of the first respondent dated 22.12.1994, a new condition of pass in S.S.L.C. for holding regular post of Forest Watcher is imposed and it was also put to challenge in O.A.No.197 of 1995 before the Tamil Nadu Administrative Tribunal and during the pendency of the same, the Government has restored the qualification of ability to read and write, instead of pass in S.S.L.C. vide G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999.

3. The grievance expressed by the petitioner is that some of his juniors who got promotion during the same period have joined as Forest Watcher and subsequently, got promoted as Forest Guard and Forester. Though his name was included in the State Wise Seniority list in Serial No.2692, as per G.O.Ms.No.64 of the 1st respondent dated 08.03.1999, it was not followed and consequently, his junior namely Mr.Narasimhan, was appointed as Forest Watcher and got his further promotion as Forest Guard in the year 1999. The petitioner was appointed as Forest Watcher on 07.10.2008. His request for revision of seniority have not been considered. The persons similarly placed have also filed W.P.No.15561 of 2006 and W.P.No.23374 of 2008 and orders were passed to consider their claim on par with their juniors and it was put to challenge by the official respondent in W.A.No.690 of 2008 and W.A.No.607 of 2010 and the same was dismissed on 13.10.2009 and 29.03.2010 respectively and the said orders were also implemented by proceedings of the first and second respondents dated 15.11.2010 and 7.01.2011 respectively. The petitioner, in this regard has also submitted a representation through proper channel dated 18.10.2014 to the respondents 2 and 3. Since no orders have been passed, he came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate

(Forest) appearing for the respondents.

5. Though the petitioner prays 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 either in the representation or in the writ petition, directs the 2nd and 3rd respondents to consider and dispose of the petitioner's representation dated 18.10.2014, though it was received and acknowledged on 20.10.2014, on merits and in accordance with law, after putting on notice to the concerned persons and pass 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 as well as the concerned persons. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Fort St.George,
Chennai.
2. The Principal Chief Conservator of forest,
Panagal Building,
Saidapet,
Chennai - 15
3. The District Forest Officer,
Kallakurichi Division, Kallakurichi.

+lcc to The Special Government Pleader (Forest)sr.3567

ug(co)
ss(6/2/2017)

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