

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.12977 of 2017

1.K.Rajendran
2.K.Virumandi
3.V.Andiappan
4.T.Ganesan
5.P.Subburaj
6.M.Sundaraj
7.M.Alagarsami
8.T.Nagarajan
9.RM.Karuppiah
10.G.Marikkalai
11.N.Ayyavoo
12.P.Jaganathan
13.J.Dhanalakshmi
14.U.Vellaisami
15.P.Kolanji

... Petitioners

Vs.

1. Government of Tamil Nadu,
rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to appoint the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their 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 29.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioners : Mr.S.Mani
For Respondents : Mr.N.Inbanathan
Govt. Advocate (Forest)

COMMON ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.N.Inbanathan, learned Government Advocate (Forest) takes notice for the respondents.

3. Heard both sides.

4. The petitioners were appointed on daily wages in the Forest Department and subsequently, their services were regularised as Forest Watcher but not on par with their juniors. However, the juniors of the petitioners who are able to read and write and acquired SSLC qualification were promoted earlier than petitioners as per the qualification fixed by the G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994. Thereafter, G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 was issued restoring the qualification of ability to read and write instead of SSLC. Though the petitioners were promoted as Forest Watchers / Forest Guards as the case may be, the regularisation of the services of the petitioners as Forest Watcher on par with their juniors has not been done.

5. The learned counsel appearing for the petitioners would submit that the issue is already covered by the decision in the Writ Petition filed by similarly placed persons in W.P.No.15561 of 2006 dated 10.03.2008, which was confirmed in W.A.No.690 of 2008 dated 13.10.2009.

6. Considering the fact that the petitioners juniors were already regularised even before the petitioners could get regularised as per the decision referred to above, it is appropriate to direct the respondents to regularise the service of the petitioners on par with their juniors as Forest Watchers within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are entitled to only regularisation from the date on which the juniors were regularised and they are not entitled to any monetary benefits from that date.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.

+6 CCs to Mr.S. Mani, Advocate sr 37644
+1 CC to Spl. Govt. Pleader sr 37589

W.P. No.12977 of 2017

SV(CO)
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