

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15735 of 2017

1. S.Rajasekar

2. S.Narayanan

... Petitioners

Vs.

1. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai - 600 015.

2. The Chief Forest Guard/Director,
Arignar Anna Zoological Park,
Vandalur, Chennai - 600048.

3. The Wild Life Warden,
Children Park,
Raj Bhavan, Guindy,
Chennai - 600 032.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records relating to the impugned order dated 06.11.2015 made in Ref.No.TC1/28011/2015 by the first respondent and consequential order passed by the 3rd respondent dated 18-11-2015 in Ref.No.1185/E2/2004 to quash the same and consequently direct the respondents to reinstate the petitioners in service for the post of Mazdoor with all monetary benefits.

For Petitioners: Mr.C.Prabakaran

For Respondents: Mr.M.Santhanaraman
Additional Government Pleader(Forest)

ORDER

The petitioners have come to this Court challenging the impugned orders dated 06.11.2015 and 18.11.2015, in and by which, their claim for appointment /reinstatement to the post of Mazdoor in the Forest Department, was rejected, on the ground that they were not suspended from service, but were only serving as temporary workers on daily wage basis, and since they were involved in criminal offences, they were stopped to work. But the petitioners have wrongly presumed that they were placed under suspension.

2. Learned counsel for the petitioners also admitted before this Court that they have not filed the orders of suspension. That shows that they were not placed under suspension. Therefore, when the petitioners, while serving as temporary Mazdoors in the Forest Department, subsequently, were also involved in criminal cases, after keeping quiet from 2002 till now, without even making any representation to revoke the suspension orders, with a huge lapse of time, they cannot come to this Court seeking to re-instate them in service. When the impugned order specifically states that they were not placed under suspension, but were denied employment, this Court does not find any merit in the writ petition.

3. Learned Additional Government Pleader appearing for the respondents also submitted that the contention made by the petitioners that they were placed under suspension while serving as temporary Mazdoors, is far from acceptance, since they were denied employment even in 2002. Subsequently, on the ground that the criminal cases were decided in their favour, they cannot come to this Court with a huge delay of 15 years.

4. The petitioners, having been kept out of employment for about 15 long years, cannot approach this Court on the ground that they were placed under suspension, when there is no iota of evidence produced before the Court including the copy of the suspension order or representation seeking to revoke the orders of suspension. Therefore, the writ petition fails and it is dismissed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

To

1. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai - 600 015.
2. The Chief Forest Guard/Director,
Arignar Anna Zoological Park,
Vandalur, Chennai - 600048.

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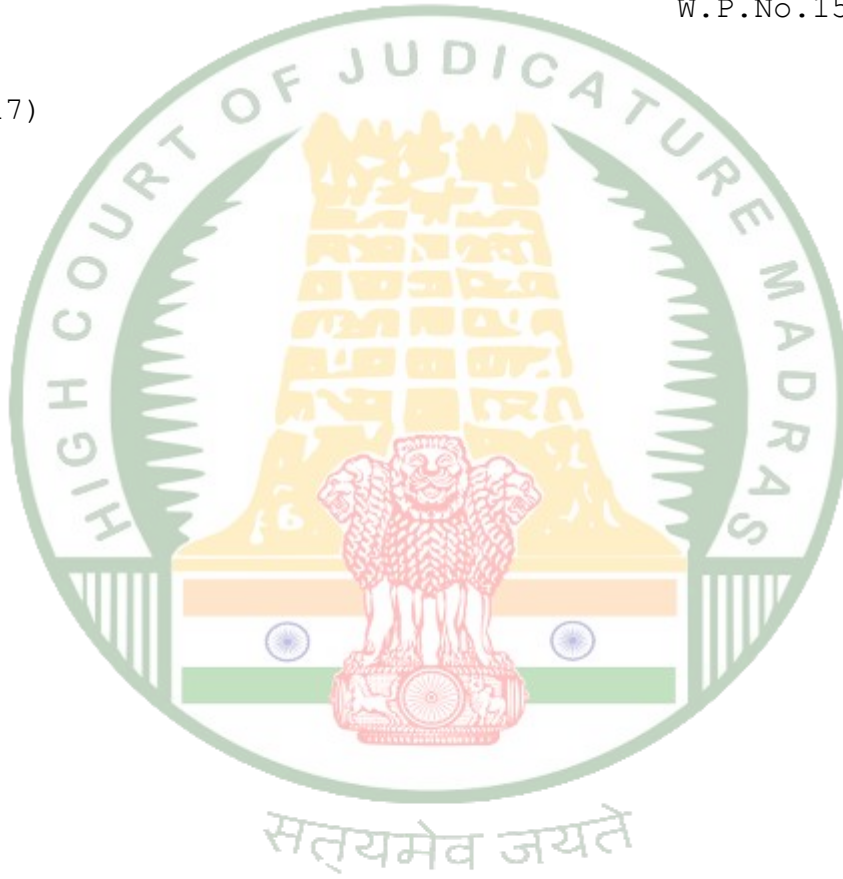
3. The Wild Life Warden,
Children Park,
Raj Bhavan, Guindy,
Chennai - 600 032.

+1cc to Mr.C.Prabakaran,Advocate sr.44116

+1cc to Special Government Pleader sr.43997

W.P.No.15735 of 2017

rj(co)
ss(7/7/2017)



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