

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.26009 & 26010 of 2017

S.Shaji ..Petitioner in W.P.No.26009 of 2017
M.Venkatasamy ..Petitioner in W.P.No.26010 of 2017

-vs-

1. Government of Tamilnadu
rep. by its Secretary
Forest Department
Fort St. George
Chennai 600 009
2. The Principal Chief Conservator of Forest
Office at Panagal Maaligai
Saidapet
Chennai 600 015 ..Respondents 1&2 both W.Ps.
3. The District Forest Officer
Kanniyakumari Forest Division
Nagercoil ...3rd Respondent in WP.26009/17
4. The District Forest Officer,
Kancheepuram Forest Division,
Kancheepuram District, ...3rd Respondents in W.P.26010/17

W.P.No.26009 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to include the name of the petitioner in the Statewide Seniority List on par with other Plot Watchers so as to enable him to get his services regularized in the cadre post of Forest Watcher in the light of G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010, G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 and G.O.Ms.No.73, Environment and Forest Department dated 23.03.2017 by considering his representation dated 11.05.2017.

W.P.No.26010 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to confer the benefit of G.O.Ms.No.73, Environment and Forest Department dated 23.03.2017 in favour of the petitioner for regularizing his service in the cadre post of Forest Watcher on par with

similarly placed persons like him by considering his representation dated 02.05.2017 within a time to be specified by this Hon'ble Court.

For Petitioners:: Mr.S.Mani

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

ORDER

The petitioner in W.P.No.26009 of 2017, having joined as Plot Watcher on daily wage basis in the Forest Department on 1.4.97, is continuing in service. As the petitioner's name has not been included in the Statewide seniority list, on the basis of G.O.Ms.No.64, Environment and Forest Department dated 8.3.99 directing the department to prepare a Statewide seniority list to enable the daily wage employees to get their services regularised followed by G.O.Ms.No.95, Environment and Forest Department dated 7.8.2009 directing that the daily wage employees who have completed ten years and whose names have been included in the Statewide seniority list shall be brought into the non-cadre post of Plot Watcher (Supernumerary) and another G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010 ordering that those who have completed ten years of service after issuance of G.O.Ms.No.95 dated 7.8.2009 should be brought into non-cadre post of Plot Watcher, he gave a representation on 13.9.2011 seeking inclusion of his name in the Statewide seniority list. But it was not considered. However, a proposal was sent by the Ranger, Kaliyal Forest Range on 20.9.2014 to the District Forest Officer, Kanniyakumari Division recommending for inclusion of his name in the Statewide seniority list. Even after a lapse of three years, the respondents have not included his name. Therefore, the petitioner has approached this Court seeking for consideration of his representation for inclusion of his name in the Statewide seniority list on par with other Plot Watchers so as to enable him to get his services regularized in the cadre post of Forest Watcher in the light of G.O.Ms.No.76, Environment and Forest Department dated 07.06.2010, G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 and G.O.Ms.No.73, Environment and Forest Department dated 23.03.2017.

2. The petitioner in W.P.No.26010 of 2017, having joined as Plot Watcher on daily wage basis in the Forest Department on 1.4.99, is continuing in service. According to the petitioner, on the basis of G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013, although the petitioner was given the benefit of regularisation in the non-cadre post of Plot Watcher (Supernumerary) along with 241 daily wage employees, his name has not been included in the cadre post of Forest Watcher on the basis of G.O.Ms.No.73, Environment and Forest Department dated 23.3.2017. Therefore, he has also submitted a representation on

2.5.2017 to the respondents through the Forest Range Officer, Acharapakkam seeking for inclusion of his name and to regularise his services in the cadre post of Forest Watcher on par with others. As the said representation has not been considered, he is before this Court.

3. Mr.M.Santhanaraman, learned Additional Government Pleader, taking notice on behalf of the respondents, submitted that since the particulars of break in service are noticed in some cases, the department has not shown their names in the seniority list. However, in reply, the learned counsel for the petitioners submitted that the petitioners are continuously working.

4. In any event, it is for the respondents to consider the representations of the petitioners on merit. Therefore, the respondents are hereby directed to consider the pending representations of the petitioners on merit and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order, in the light of the aforementioned Government Orders. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Forest Department
Fort St. George, Chennai 600 009
2. The Principal Chief Conservator of Forest
Office at Panagal Maaligai
Saidapet, Chennai 600 015
3. The District Forest Officer
Kanniyakumari Forest Division
Nagercoil
4. The District Forest Officer,
Kancheepuram Forest Division,
Kancheepuram District,

+ 2 ccs to Mr. I. Mani, Advocate SR.71493, 71494

+ 1 cc to Mr. Special Government Pleader (forest) Sr.71505

W.P.Nos.26009 & 26010 of 2017

RR(CO)

EU(10/11/2017)