

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.16019 of 2017
& W.M.P.No.17276 of 2017

P.Subramaniyan .. Petitioner
Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Forest Department,
Fort. St. George, Secretariat,
Chennai - 600 009
- 2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.
- 3.The Conservator of Forests
Dharmapuri Region,
Dharmapuri - 5.
- 4.The District Forest Officer,
Interfaced Forestry Division (IFF),
Krishnagiri, Krishnagiri District. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 2 to 4 to regularize the petitioner's service and appoint him as Social Forestry Worker / Plot Watcher in the Supernumerary Post and pay monetary benefits on par with Mr.M.Annamalai (Sl.No.13) and Mr.G.Munusamy (Sl.No.14) on from 07.08.2009 to 31.10.2013 as per G.O.Ms.No.95 dated 07.08.2009 of the first respondent.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.E.Manoharan
Additional Government Pleader (Forests)

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has come to this Court seeking a direction to the respondents 2 to 4 to regularize his service and appoint him as Social Forestry Worker / Plot Watcher in the Supernumerary Post and pay monetary benefits on par with M.Annamalai (Sl.No.13) and G.Munusamy (Sl.No.14) from 07.08.2009 to 31.10.2013 as per G.O.Ms.No.95 dated 07.08.2009 of the first respondent.

3. The petitioner was appointed as Village Social Forestry Worker / Plot Watcher on 19.12.1984 in the Dharmapuri Forest Division. After some time, he was transferred to Mettur Soil Conservation Scheme (MSCS), Dharmapuri and again, he was transferred and worked as Village Social Forestry Worker / Plot watcher in the fourth respondent Division till 31.10.2013. However, the Government of Tamil Nadu has issued G.O.Ms.No.64, Environment and Forest (FR.II) Department, dated 06.03.1999 to prepare the state-wise seniority list, who are all working as Plot Watchers / Village Social Forestry Workers in the Forest Department and based on the seniority, their names may be included in the seniority list. As per the said G.O., the Chief Conservator of Forests of the respective region are requested to verify the Plot Watchers / Village Social Forestry Workers from the records available with them and do the needful for passing appropriate orders.

4. In the meanwhile, the third respondent issued a Circular to all the Plot Watchers / Village Social Forestry Workers to submit their details of service for preparing the state-wise seniority list. In response, the petitioner made a request before the fourth respondent and furnished all the relevant service records to include his name in the state-wise seniority list. But, his name was not included in the state-wise seniority list. In view of the non-consideration, he came to this Court with Writ Petition in W.P.No.19873 of 2012 seeking to regularise his service and appoint him as a Forest Watcher in the supernumerary post of fourth respondent's Division and pay monetary benefits. This Court, by an order dated 29.08.2012 directed the second respondent to consider the proposal submitted by the District Forest Officer together with the representation of the petitioner.

5. On 15.12.2009, the fourth respondent has recommended the petitioner's name to regularise his service in the supernumerary post as per G.O.Ms.No.95 dated 07.08.2009 at Sl.No.12 along with M.Annamalai (Sl.No.13) and G.Munusamy (Sl.No.14). Subsequently,

in respect of M.Annamalai and G.Munusamy, the order was passed for regularising their services from 07.08.2009. Since the petitioner worked for more than 32 years in the Department and was promoted as Forest Watcher on 01.11.2009 and allowed to retire from service w.e.f. 31.01.2017 without any pensionary benefits, he is also entitled to receive the monetary benefits on par with M.Annamalai and G.Munusamy from 07.08.2009 as per G.O.Ms.No.95. Therefore, he has submitted a representation dated 06.04.2017 before the respondents seeking to pay the monetary and other service benefits from 07.08.2009 to 31.10.2013 as per G.O.Ms.No.95 dated 07.08.2009. But till date no orders have been passed and hence, the petitioner is before this Court.

6. Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader (Forests) appearing for the respondents, who sought reasonable time to consider the case of the petitioner.

7. Since the proceedings dated 15.12.2009 shows that the petitioner's juniors namely, M.Annamalai (Sl.No.13) and G.Munusamy (Sl.No.14) were given regularisation of service from 07.08.2009 as per G.O.Ms.No.95, this Court directs the respondents 2 to 4 to consider the case of the petitioner also on par with them and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With this direction, the Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Government of Tamil Nadu,
Forest Department,
Fort. St. George, Secretariat,
Chennai - 600 009

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.

3.The Conservator of Forests
Dharmapuri Region,
Dharmapuri - 5.

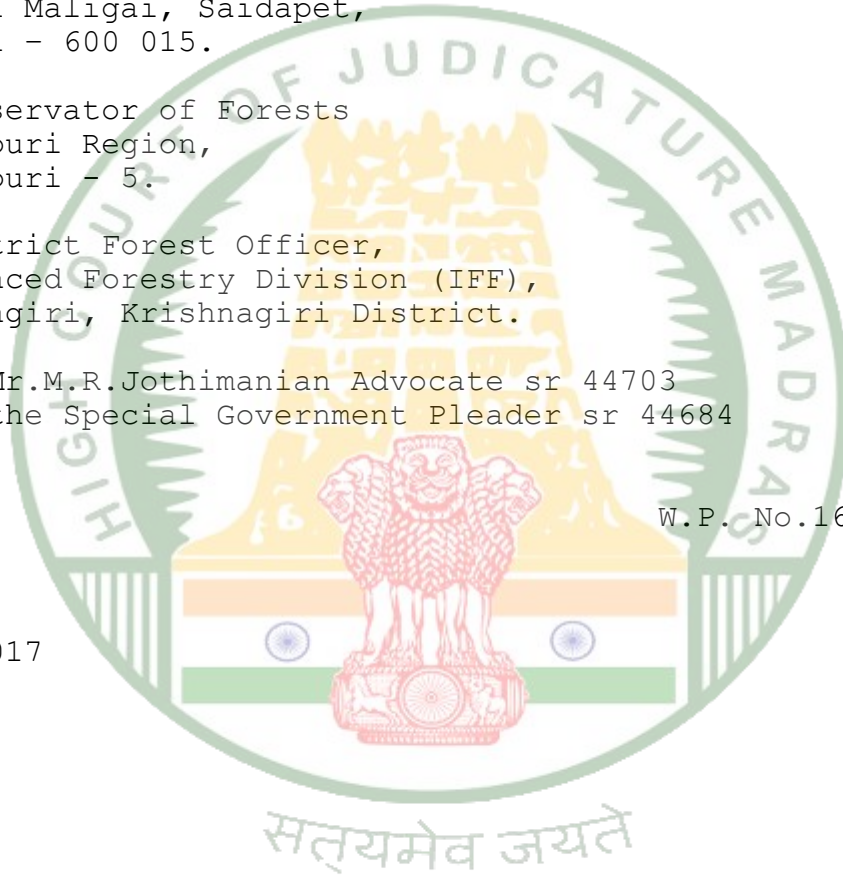
4.The District Forest Officer,
Interfaced Forestry Division (IFF),
Krishnagiri, Krishnagiri District.

+1 cc to Mr.M.R.Jothimanian Advocate sr 44703

+1 cc to the Special Government Pleader sr 44684

W.P. No.16019 of 2017

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