

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18759 to 18761 of 2013

A. Anbalagan ... Petitioner in W.P.No.18759 of 2013
J.Dayalan ... Petitioner in W.P.No.18760 of 2013
S.Masilamani ... Petitioner in W.P.No.18761 of 2013

Vs.

1. The State of Tamil Nadu
Rep.by its Secretary,
Environment and Forests (FR2) Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forests,
Pangal Maligai, Saidapet, Chennai.
3. The District Forest Officer,
Villupuram Division. RR 1,2 & 3 in all Writ Petitions
4. T.Balaiyan,
Plot Watcher,
O/o Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai. R-4 in W.P.No.18759 of 2013
5. S.Purushothamman,
Forest Guard,
Mudumalai Tiger Reserve,
Ooty. R-4 in W.P.No.18760 of 2013
6. Narayanasamy,
Forest Watcher,
Maruthamalai Beat,
Coimbatore Division R-4 in W.P.No.18761 of 2013

Prayer in W.P.No.18759 of 2013

The Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the order in G.O. Ms.No.95 Environment and Forest (FR2) Department, dated 07.08.2009 passed by the 1st respondent herein and the consequential order in proceedings Se.Mu.A.No.7170/2009/P2 (85) dated 31.08.2009 passed by the 3rd respondent herein and quash the same and further direct the respondents to appoint the petitioner herein from the date on which the 4th respondent herein was appointed as plot watcher and pay all monetary benefits, seniority and other consequential benefits.

Prayer in W.P.No.18760 of 2013

The Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the order in G.O. Ms.No.95 Environment and Forest (FR2) Department, dated 07.08.2009 passed by the 1st respondent herein and the consequential order in proceedings Se.Mu.A.No.7170/2009/P2 (73) dated 31.08.2009 passed by the 3rd respondent herein and quash the same and further direct the respondents to appoint the petitioner herein from the date on which the 4th respondent herein was appointed as forest watcher and pay all monetary benefits, seniority and other consequential benefits.

Prayer in W.P.No.18761 of 2013

The Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the order in G.O. Ms.No.95 Environment and Forest (FR2) Department, dated 07.08.2009 passed by the 1st respondent herein and the consequential order in proceedings Se.Mu.A.No.7170/2009/P2 (80) dated 31.08.2009 passed by the 3rd respondent herein and quash the same and further direct the respondents to appoint the petitioner herein from the date on which the 4th respondent herein was appointed as forest watcher and pay all monetary benefits, seniority and other consequential benefits.

For Petitioners : Mr.K.Vasudevan

For RR1 to 3 : Mr.E.Manoharan,
Additional Government Pleader

For R4 : No appearance

C O M M O N O R D E R

As the issue involved in all the three Writ Petitions are one and the same, the cases are taken up for disposal by a Common Order.

2. The learned counsel appearing for the writ petitioners made a submission that, the issues are in relation to the implementation of Government Order Ms.No.64, Environment and Forest (F2) Department dated 08.03.1999 and the same has been considered by this Court in Writ Petition No.279 of 2014 and an order was passed on 09.01.2015, and for the sake of convenience, the same is extracted below:-

"5. There is no dispute that the name of the petitioner is included in the statewide seniority list. The counter affidavit filed by the second respondent fully supports the plea made by the petitioner. In case juniors were made permanent, nothing prevented the respondents from considering the case of the petitioner for regularization taking into account the Government order in G.O.Ms.No.64, Environment and Forest (F2) Department dated 08.03.1999.

6. In the result, a writ in the nature of Mandamus is issued, directing the respondents to consider the case of the petitioner for regularization in the light of seniority position as found in the statewide seniority list prepared on pursuant to the Government Order in G.O.Ms.No.64, Environment and Forest (F2) Department dated 08.03.1999. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. The Writ petition is allowed to the extent indicated above. No costs."

3.The learned Additional Government Pleader appearing on behalf of the respondents 1, 2 and 3 also submits that G.O.Ms.No.64, Environment and Forest (F2) Department dated 08.03.1999 is in force and the respondents are following the statewide seniority awarded in accordance with the said Government Order.

4.Thus, the respondents are directed to consider the case of the writ petitioners in the light of the G.O.Ms.No.64,

Environment and Forest (F2) Department dated 08.03.1999 as per their respective seniority. With these observations, all the Writ Petitions are disposed of. However, no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sts/smn

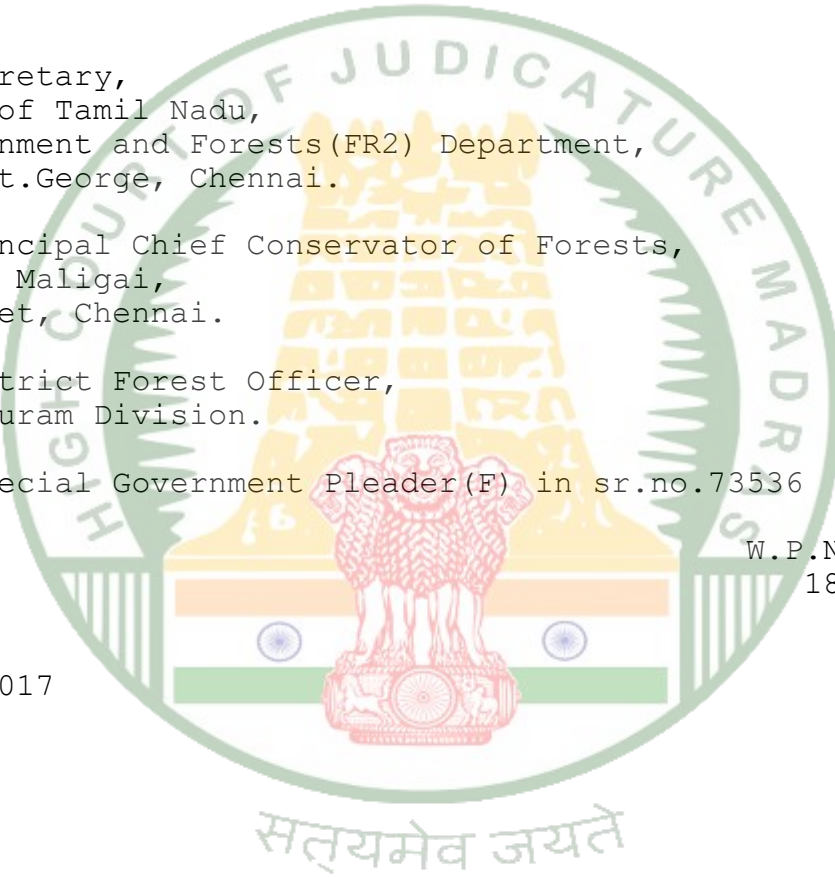
To

1. The Secretary,
State of Tamil Nadu,
Environment and Forests(FR2) Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forests,
Pangal Maligai,
Saidapet, Chennai.
3. The District Forest Officer,
Villupuram Division.

+1cc to Special Government Pleader(F) in sr.no.73536

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PVS (CO)
NR 28/11/2017



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