

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18853 of 2013

M.Velayutham

... Petitioner

Vs.

1. State of Tamil Nadu rep. By 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.
4. D.Rajamanai,
Plot Watcher,
Cuddalore Forest Division,
Cuddalore.

... Respondents

Prayer

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 Forests (FR2) Department, dated 07.08.2009 passed by the first respondent herein and the consequential order in proceedings Se.Mu.A.No. 7170/2009/P2 (79) dated 31.08.2009 passed by the third respondent herein and quash the same and further direct the respondents to appoint the petitioner from the date on which the fourth respondent was appointed as plot watcher and pay all monetary benefits, seniority and other consequential benefits.

For Petitioner : Mr.K.Vasudevan

For Respondent-1-3 : Mr. E. Manoharan, Additional
Government Pleader (Forests)

For Respondent-4 : No Appearance

O R D E R

Heard the learned counsel appearing for the parties and the writ petition is taken up for disposal.

2.The learned counsel appearing for the writ petitioner made a submission that, the issues are related 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 petitioner in the light of the G.O.Ms.No.64, Environment and Forest (F2) Department dated 08.03.1999 as per respective seniority. With these observations, the Writ Petition is disposed of. However, no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sts/smn

To.

1. The 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.

+1cc to the Government Pleader, S.R.No. 73537

W.P.No. 18853 of 2013

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