

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018
CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.4018 of 2018

R.Murugan

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai-90.
 2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.
- ... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watchers taking into account of the petitioner's seniority and qualification, on par with juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.S.Mani
For Respondents : Mr.R.Balaramesh,
Spl. Govt. Pleader

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O R D E R

The Writ Petition has been filed seeking issuance of Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account his seniority and qualification on par with his juniors.

2.Heard the parties on both sides.

3.Learned counsel appearing for the petitioner

submitted that the relief sought in the present Writ Petition has been considered by this Court in W.P.No.25675 of 2013, by order dated 21.11.2013, directing the respondents to consider the similar prayer to regularise the similarly placed persons as per the decision in W.P.No.15561 of 2006.

4.In view of the short issue raised in the Writ Petition, with the consent of both parties, the Writ Petition is taken up for disposal.

5.The case of the petitioner is that he was appointed as Plot Watcher on daily wage basis in the Forest Department on 01.07.1985. Thereafter, the petitioner's name and his juniors were included in the state wide seniority list drawn by the Department during the year 1994 and in the year 1999, his seniority serial number was 4212. After a period of more than two decades of service, the petitioner was brought into regular time scale of pay as Forest Watcher. While this being the stand taken and the same was also implemented, the grievance of the petitioner is that when the petitioner juniors were given benefit of regularisation, the petitioner was left out. Referring to the names of juniors whose services were regularised, it is stated that they were all regularised from daily wage basis to Forest Watcher on 24.01.1995, whereas, the petitioner was left out.

6.In similar circumstances, when similarly placed persons came before this Court, by order dated 05.01.2016 in W.P.No.30 of 2016, this Court held as follows :

"4.Considering the fact that the petitioner's juniors were already regularised even before the petitioner could get regularised as per the decision referred to above [W.P.No.15561 of 2006 dated 10.03.2008], it is appropriate to direct the respondents to regularise the service of the petitioners on par with their juniors as Forest Watchers within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are entitled to only regularisation from the date on which the juniors were regularised and they are not entitled to any monetary benefits from that date.

5.With the above direction, the writ petition is disposed of. No costs."

7.In the present case also, since the petitioner was not considered, when his juniors as mentioned above were given the benefit of regularisation, this Court finds no impediment for the respondents to regularise the petitioner's service, in the light of the order passed by this Court in W.P.No.30 of 2016. The said exercise shall be done within a period of four

weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gya

To

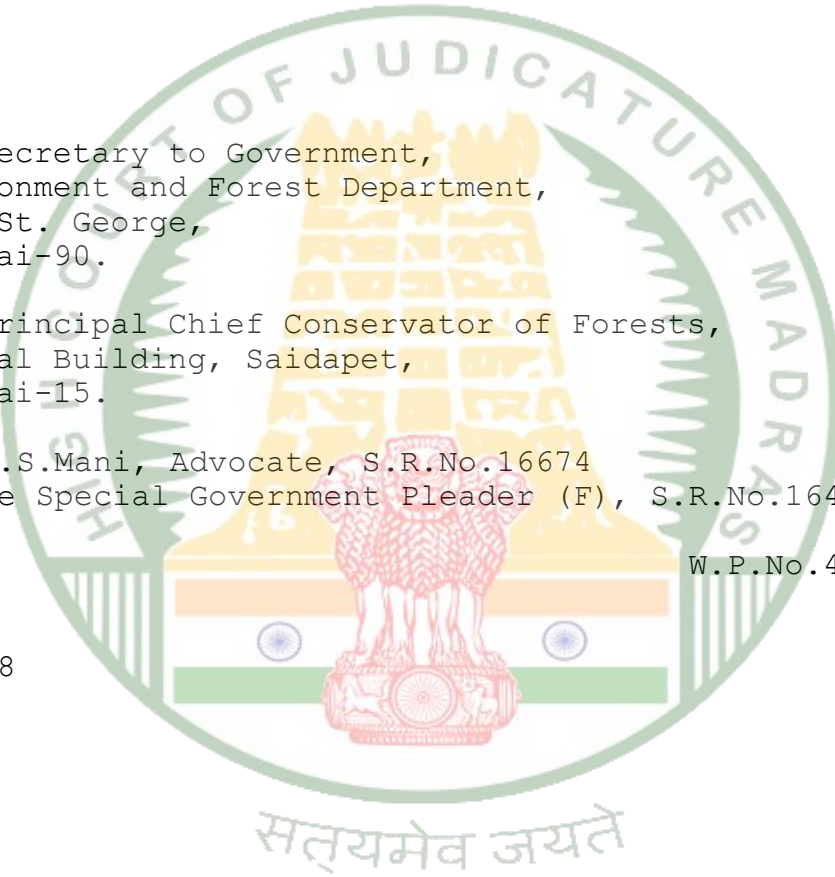
1. The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-90.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.

+1cc to Mr.S.Mani, Advocate, S.R.No.16674

+1cc to the Special Government Pleader (F), S.R.No.16452

W.P.No.4018 of 2018

SR(CO)
CS/27/03/18



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