

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.4028 of 2018

1.G.Devendiran
2.V.Paramasivam
3.M.Chinnakannan
4.M.Govindasamy
5.C.Vishvanathan
6.V.Kandan
7.P.Mani
8.K.Jayabalan
9.M.Raji
10.N.Paramasivam
11.A.Chandranathan
12.K.Munusamy
13.P.Durai
14.P.Selvaraj
15.S.Vaiyapuri
16.B.Rathinavelu
17.N.Shanmugam
18.A.Govindaraj
19.B.Rajaram
20.R.Selvaraju

... Petitioners

1.Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai-9.

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 petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their 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 Petitioners : Mr.S.Mani
For Respondents : Mr.R.Balaramesh,
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking issuance of Writ of Mandamus directing the respondents to appoint the petitioners as regular time scale Forest Watchers, taking into account their seniority and qualification on par with their juniors.

2.Heard the parties on both sides.

3.Learned counsel appearing for the petitioners 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 petitioners are that they were appointed as Plot Watchers on daily wage basis in the Forest Department on various dates from the year 1978 to 1986. Thereafter, the petitioners name and their juniors were included in the state wide seniority list drawn by the Department during the year 1994 and in the year 1999, which shows their seniority serial numbers. After a period of more than two decades of service, the petitioners were brought into regular time scale of pay as Forest Watchers. While this being the stand taken and the same was also implemented, the grievance of the petitioners are that when the petitioners juniors were given the benefit of regularisation, the petitioners were 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 Watchers on 24.01.1995, whereas, the petitioners were 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 petitioners were not considered, when their juniors as mentioned above were given the benefit of regularisation, this Court finds no impediment for the respondents to regularise the petitioners 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/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gya

To

1.The Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-9.

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.

+ 21 cc to M/s.S.Mani Advocate,SR.16685

+ 1 cc to The Special Govt.Pleader(Forest), SR.16445

W.P.No.4028 of 2018

sk(co)

nr 23/03/2018