

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.7121 of 2018

1.R.Palani
2.M.Annamalai
3.M.Natarajan
4.N.Radhakrishnan
5.P.Durai
6.A.Krishnan
7.K.Perumal
8.P.Krishnan

.... Petitioners

Vs

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

2.The Principal Chief Conservator of Forest,
Head of Forest Force,
No.1, Jeenis Road,
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 regularise the service of the petitioners as Forest Watcher from 24.01.1995 notionally by taking into account their seniority and qualification, on par with their juniors viz. Mr.Karuppan, in the light of the orders passed by this Hon'ble Court 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 regularise the service of the petitioners as 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 1980 to 1989 and thereafter, promoted as Forest Guard, Mali Watchers and Forest Watchers by the 2nd respondent without following state wide seniority list. After a period of more than three decades of service, some of the petitioners were retired from service without any monetary benefits on par with their juniors. 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 in the year 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/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

gya

To

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

2. The Principal Chief Conservator of Forest,
Head of Forest Force,
No.1, Jeenis Road,
Saidapet, Chennai-15.

+8cc to Mr.S.MANI, Advocate, S.R.No.23210
+1cc to the Government Pleader, S.R.No. 23162

W.P.No.7121 of 2018

NRL(CO)
TR(17/04/2018)

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