

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.4439 of 2018

M.Asalan

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
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 and promote the petitioner as Forest Watcher with effect from the date of his juniors appointment and promotion by considering the petitioner's representation dated 20.07.2017 in the light of the order 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 Government letter of the first respondent dated 03.03.2017 with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha
For Respondents : Mr.R.Balaramesh,
Spl. Govt. Pleader

ORDER

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 03.03.1985. 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 4052. 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/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gya

To

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

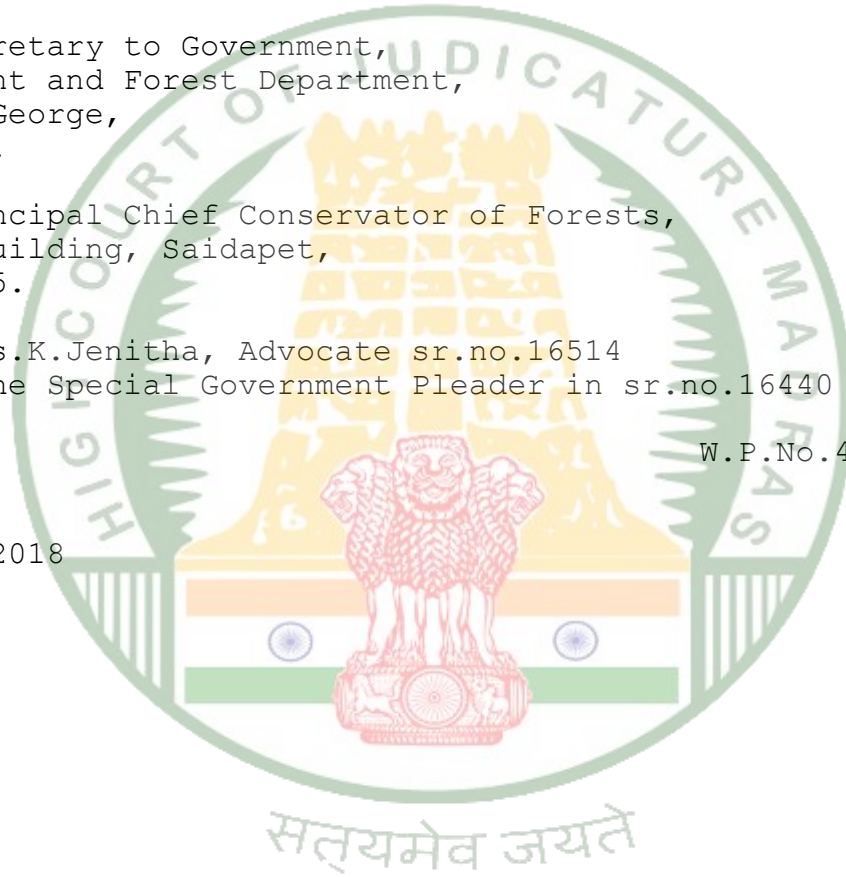
2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-15.

+1cc to Ms.K.Jenitha, Advocate sr.no.16514

+1cc to the Special Government Pleader in sr.no.16440

W.P.No.4439 of 2018

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