

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1403 of 2015

And

M.P.No.1 of 2015

Johnsis Fransis

..Petitioner

Vs

1.The Govt. of Tamil Nadu,
rep. by its Secretary to Government,
Forest Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Principle Chief
Conservator of Forests,
Panagal Buildings,
Saidapet, Chennai - 600 015.

3.Conservator of Forest,
Villupuram Circle,
Villupuram 605 602.

4.The District Forest Officer,
District Forest Division,
Cuddalore.

5.The Forest Range Officer,
Chidambaram Range,
Cuddalore District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to regularize the service of the petitioner with effect from the date appointment as per G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006 and G.O.Ms.No.84, Environment and Forests (FR.5) Department dated 09.08.2007 with effect from the date of initial appointment or at least with effect from the date of completion of ten years of service with all monetary and service benefits.

For Petitioner
For Respondents

: Mr.G.Pugazhenth
: Mr.S.V.Vijay Prakash(Forest)
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is to direct the first respondent to regularize the service of the petitioner with effect from date of appointment in G.O.M.S.No.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006 and G.O.Ms.No.84, Environment and Forests (FR.5) dated 09.08.2007 with effect from the date of initial appointment or at least with effect from the date of completion of ten years of service with all monetary and service benefits.

2.The learned Counsel appearing on behalf of the writ petitioner states that the list of eligible persons in the cadre of Plot Watcher are sorted out by the respondents and the State wise seniority list was prepared for the purpose of the grant of regularization for all the temporary employees, based on their respective seniority.

3.The learned counsel appearing for the writ petitioner further states that the name of the writ petitioner has already been included in the State wise seniority list and therefore, he is eligible for regularization.

4.The learned Additional Government Pleader appearing on behalf of the respondents states that certain employees, who have not completed 10 years of service are not eligible for regularization as per the Government policy. This apart, the Department is maintaining the State wise seniority list and all the cases will be considered, in accordance with the seniority list prepared and published in this regard.

5.This Court is of an opinion that the State wise seniority list already published is to be followed scrupulously by the Competent Authorities and they should not violate the seniority, in respect of the eligible persons for grant of regularization. Thus, it is made clear that if the name of the petitioner has already been included in the State wise seniority list and if the petitioner is otherwise fully qualified for the regularization, in accordance with the rules in force, then the case of the writ petitioner is to be considered by the respondents.

6.With these observations, this writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

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To

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Cuddalore District.

+1cc to Mr.G.Pugazhenthii, Advocate SR.No.36013
+1cc to Government Pleader SR.No.35607

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GMR(CO)
GN(22/06/2018)

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