

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1914 of 2018
and
C.M.P.No.15453 of 2018

- 1 GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT
FOREST AND ENVIRONMENT DEPARTMENT
FORT ST.GEORGE CHENNAI 600 009
- 2 THE PRINCIPAL CHIEF CONSERVATOR
OF FORESTS PANAGAL BUILDING
SAIDAPET CHENNAI 600 015 Appellants/Respondents

Vs

- 1 K.P.THANGARAJ
2 R. KANAGARAJ
3 S.GIRIJA
4 R.CHARLES
5 T.A.MAGUDAPATHY
6 P.RAJAN

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 12.9.2014 passed in W.P.No.24528 of 2013 on the file of this court.

Prayer in W.P.24528/2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, to direct the respondents respondents to regularize the service of the petitioners in the cadre of Forest Watcher on par with their juniors with all consequential benefits after getting necessary relaxation from the 1st respondent with regard to the shortage of height of the petitioners.

For appellants : Mr.Bala Ramesh
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants for some time.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in directing the appellants to consider the case of the respondents herein as Forest Watchers by extending some relaxation of the Rule if necessary.

3. Para 7 of the order passed by the learned Single Judge reads thus:-

"7.Considering the same, the respondents are directed to consider the case of the petitioner as Forest Watchers and it is also made clear that the petitioners are entitled for monetary benefits of that appointment only from the date on which they join duty . As far as fixation of pay is concerned, the petitioners are entitled from the date on which their juniors were promoted till they actually join the post and pay can be fixed notionally. This discretion with regard to pay fixation is given taking into account the fact that after serving for long number of years in the respondent Department, if appointment is directed to be given with effect from today, the petitioners may not have pensionary and other benefits, even to a certain extent also, on their retirement. Hence, the respondents are directed to complete the exercise of giving appointment order to the petitioners within a period of eight weeks from the date of receipt of a copy of this order. If any relaxation of the Rule is necessary as was done in the case of Sivanesan by G.O.(2D) No.56, Environment and Forest Department dated 6.9.2006, the respondents are directed to take appropriate steps and to get relaxation of the Rules."

4. The above order came to be passed on 12.9.2014 in the writ petition filed in the year 2013, giving the relaxation of Rule following a precedent, which in our view, is a well reasoned one. After having slept over for all these years, the writ appeal is filed by the State challenging the above order.

5. In view of the reasoning given in para 7 noted above, we find that there is no scope for interference. Accordingly, the

writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

ssk.

To:

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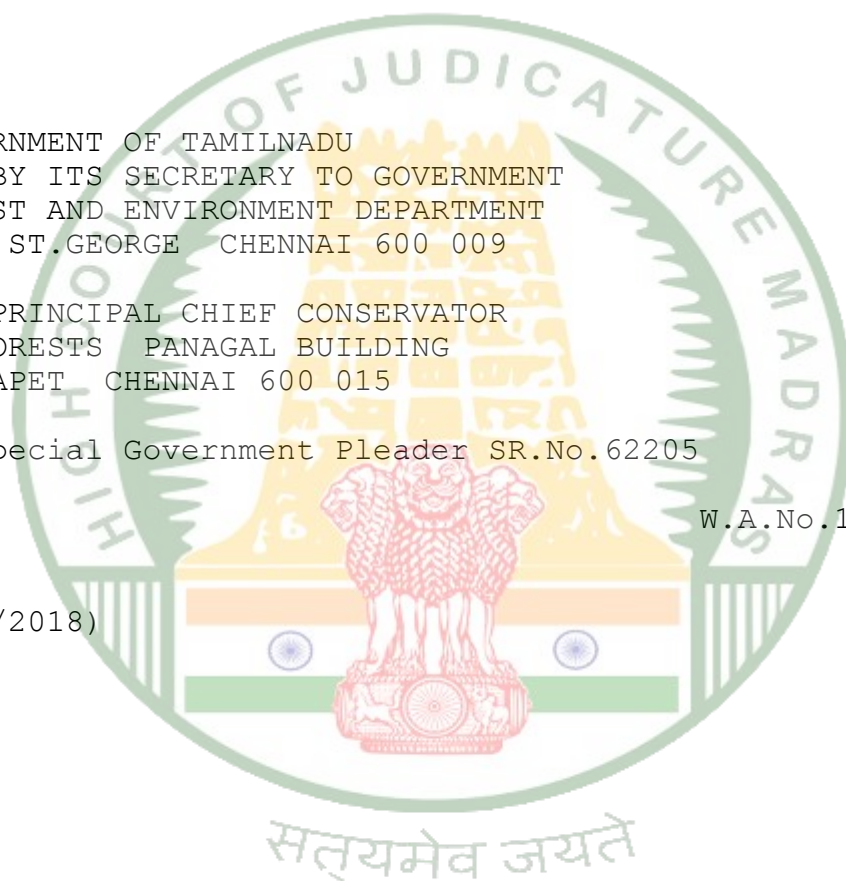
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+lcc to Special Government Pleader SR.No.62205

W.A.No.1914 of 2018

SSV(CO)

GMV (02/11/2018)



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