

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2018

CORAM

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

W.P.No.22216 of 2013

and

M.P.No.1 of 2013

1.E.D.Prabhu,  
Forest Guard,  
Erode Forest Range,  
Erode Forest Division, Erode.

2.P.Arul,  
Forest Guard,  
Erode Forest Range,  
Erode Forest Division, Erode.

3.M.Suresh,  
Forest Guard,  
Sennampatti Forest Range,  
Erode Forest Division, Erode.

4.P.Thirumurthy,  
Driver cum Forest Guard,  
Anthiyur Forest Range,  
Erode Forest Division,  
Erode.

5.A.Shanmugasundaram  
Driver cum Forest Guard,  
Erode protection Squad,  
Erode Region, Erode.

.. Petitioners

vs

1.The Government of Tamilnadu,  
Rep.by its Principal Secretary,  
Environment and Forest Department,  
Fort St. George,  
Chennai.

2.The Principal Chief Conservator of Forest,  
Head of Forest Force,  
1, Jeenis Road,  
Saidapet, Chennai - 15.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to fix the seniority based on the date of appointment to the post of forest guard as per the Tamil Nadu Forest Subordinate Service Rules by considering petitioners representation dated 17.07.2013.

For Petitioners : M/s..M.R.Jothimanian

For R1 : Mr.M.Elumalai  
Government Advocate

For R2 : Mr.R.Bala Ramesh  
Special Government Pleader(Forest)

### O R D E R

The learned counsel appearing on behalf of the writ petitioner made a submission that the issue in respect of fixation of seniority based on the date of appointment to the post of Forest Guard as per the Tamil Nadu Forest Subordinate Service Rules raised in the present writ petition has already been adjudicated by the Hon'ble Division Bench in Writ Appeal No.811 of 2011 etc., batch and the judgment was delivered on 17.04.2013.

2.The issue raised in this writ petition is directly covered under the Judgment of the Hon'ble Division Bench.

3.The Hon'ble Division Bench passed orders and Paragraph No.23 is extracted here under:

"23. Accordingly, this Court issues the following directions:

(i) The appellants as well as the private respondents before this Court shall submit a detailed representation within a period of one month from the date of receipt a copy of this judgment and appear before the Committee either in person or through their respective counsel, to explain their seniority position, so as to enable the committee to draft the fresh seniority list of the Forest Guards fit for promotion to the post of Foresters.

(ii)The Committee shall consider the representation of the parties and prepare the seniority list of the Forest Guards fit for promotion to the post of Foresters, on merits and in accordance with the relevant rules and

Government Orders and applying the rota-quota rule and pass orders, within a period of six months from the date of receipt of a copy of this judgment.

(iii) The Committee shall determine the seniority of the Forest Guards from the date of appointment in the case of direct recruits and from the date of regularization, in the case of promotees. While doing so, the Committee shall follow the principles of natural justice, good conscience and equity.

(iv) With regard to the issue relating to regularisation of the Forest Watchers, the Committee shall act in accordance with the directions issued in G.O.Ms.No.95, Environment and Forests (FR-2) Department, dated 07.08.2009.

(v) The Committee shall not count the service rendered by the promotees, on account of ad hoc promotion, while determining the seniority."

4. In view of the order passed by the Hon'ble Division Bench the direction issued is to be implemented in respect of the writ petitioner also.

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

Sd/-  
Assistant Registrar (CS IX)

//True copy//

सत्यमेव जयते  
Sub Assistant Registrar

stm

To

1. The Principal Secretary,  
The Government of Tamilnadu,  
Environment and Forest Department,  
Fort St. George,  
Chennai.

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2.The Principal Chief Conservator of Forest,  
Head of Forest Force,  
1, Jeenis Road,  
Saidapet, Chennai - 15.

+1cc to Mr.M.R.Jothimanian, Advocate SR.No.42017  
+1cc to Government Pleader SR.No.41869  
+1cc to Special Government Pleader SR.No.61604

W.P.No.22216 of 2013

EV(CO)  
GN(17/07/2018)



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