

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2018

Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 18249 of 2018

R. Jalal Sheriff

...Petitioner

Vs.

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

2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Forest Officer,
Thiruvallur District,
Thiruvallur.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account the seniority and qualification, on par with the juniors in the light of the orders passed in WP No. 15561 of 2006 Dt. 10-03-2008, WA No. 690 of 2008 Dt. 13-10-2009, WP No. 23374 of 2008 Dt. 30-10-2009, WA No. 607 of 2010 Dt. 20-03-2010 and proceedings of the 2nd respondent Dt. 07-01-2011 and confer all consequential benefits based on the petitioner's representation Dt. 28-11-2017 with effect from 24-01-1995 and thus render justice.

For Petitioner : Mr.C.Prabakaran
For Respondent : Mr.K.K.Ramesh
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for disposal even at the stage of admission.

2. The grievance of the petitioner, in this Writ Petition is that, though he was appointed as a Social Forestry

Worker/Plot Watcher datesback in 1983 on a daily wage basis, and thereafter, his service was regularized, but, during the course of regularisation, though his juniors have been regularized earlier, his service has been regularized only at a later date. In this regard, he has made a representation to the respondents on 28.11.2017, with a prayer to regularize his service from the date, on which, his juniors were regularized. But, as no action has been taken on the same, he has come to file this Writ Petition challenging such inaction of the respondents seeking a writ of mandamus to the respondents to consider his representation within a stipulated period.

3. At the very outset, Mr.C.Prabakaran, the learned counsel appearing for the petitioner submits that, in respect of a similar issue, the petitioner, who was similarly situated with that of the petitioner herein approached this Court by way of filing W.P.No.28843 of 2017, and the said Writ Petition was disposed of by this Court, vide order, dated 17.07.2018, i.e. yesterday and the operative portion of the said order is reproduced hereinbelow:-

"In spite of opportunities given, no counter affidavit has been filed so far. However, considering the fact that the Writ Petition is of the year 2017, and the petitioner has only sought for a direction to consider his representation within a stipulated period in accordance with law, in such premises, this Court is not inclined to adjourn the Writ Petition further, awaiting counter affidavit of the respondents, and after hearing the learned counsel appearing for the parties, disposes of the Writ Petition with a direction to the second respondent to consider the aforesaid representation of the petitioner, which is pending till date and take an informed and considered decision on the same in accordance with law, if there is no other legal impediments, for such disposal within a period of six weeks from the date of receipt of this order and communicate the same to the petitioner. No costs.

4. Therefore, the learned counsel prays that in view of the order passed by this Court in regard to an identical issue, similar order may be passed in the present Writ Petition as well.

5. Mr.K.K.Ramesh, the learned Government Advocate, who accepts notice on behalf of respondents has no objection in following the previous order, dated 17.07.2018, passed in

W.P.No.28843 of 2017.

6. Thus, in the light of the earlier order passed by this Court, vide its order, dated 17.07.2018 in W.P.No.28843 of 2017, this Court is of the view that the present Writ Petition can also be disposed of on the same lines. Accordingly, the Writ Petition stands disposed of with a direction to the second respondent to consider the representation of the petitioner dated 28.11.2017, which is stated to be pending till date and take an informed and considered decision on the same in accordance with law, if there is no other legal impediment, for such disposal within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

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

2. The Principal Chief Conservator of Forests, Panagal Building, Saidapet, Chennai - 600 015.

3. The District Forest Officer, Thiruvallur District, Thiruvallur.

+1 CC to Mr.C. Prabakaran, Advocate sr 43796.

+1 CC to The Govt. Pleader sr 47518

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SSV(CO)
SP(16/08/2018)