

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.32560 of 2018

M.Muniappan

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.

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

3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, to direct the respondents 1 and 2 to appoint the petitioner as regular time scale of pay in Forest Watchers from the year 1995, taking into account of his service seniority and qualifications, on par with his juniors in the light of the orders 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 20.03.2010, proceedings of the 2nd respondent dated 03.03.2017 and to grant all consequential service benefits with arrears.

For Petitioner : Mr.P.Rajesh

For Respondents: Mr.K.K.Ramesh
Government Advocate

ORDER

The petitioner was appointed as Plot Watcher on daily wage basis on 01.04.1982 at Forest Range Office and his services were regularized on 07.08.2009. The original qualification for Plot Watcher was 'ability to read and write' and subsequently, it was altered by the Government

by issuing G.O.Ms.No.332, Environment and Forest department, dated 22.12.1994, prescribing the minimum qualification for Plot Watcher as SSLC. After several dispute, the Government modified the qualification for Plot Watcher that ability to read and write is sufficient. During the year 1995, some of the juniors got promoted and they were placed in seniority list above the petitioner.

1.1. During the year 2008, some of the similarly placed persons filed writ petitions in W.P.No.23374 of 2008 before this Court to consider their representations and to appoint them as Forest Watcher on par with their juniors. This Court directed the Government to consider the representation of the petitioners therein. Aggrieved against the same, the Government filed an appeal in W.A.No.607 of 2010 which was also dismissed by this Court. Thereafter, the first respondent decided to implement the order passed in W.P.No.23374 of 2008 and issued a letter dated 15.11.2010, implementing the order of this Court, which reads as under:

"The Government after careful examination have decided to implement the Judgment of this Hon'ble High Court passed in W.P.no.23374 of 2008 and to fix the pay of Thiru P.Govindan and 23 others Writ petitioners notionally in that post (Forest Watcher) on par with their immediate junior with monetary benefit from the date of assumption of office in that post (Forest Watcher)."

2. The learned counsel for the petitioner, by relying upon the said Government letter dated 15.11.2010, contended that the petitioner herein is also similarly placed as that of the petitioners therein in the Government letter. Therefore, the same benefits should be extended to this petitioner also.

2.1. It is also brought to the notice of this Court that in the writ petitions in W.P.No.41836 and 41837 of 2016, this Court by order dated 29.11.2016 directed the respondents to appoint the petitioners therein in the regular time scale of pay of Forest Watcher by taking into account their seniority and qualification on par with their juniors in the light of the earlier orders passed by this Court.

3. It is the claim of the learned counsel for the petitioner that the petitioner, who is continuing in service, must be treated as a person as regularly appointed in the capacity of Forest Watcher in the year 1995 and all the service benefits has to be granted to the petitioner,

especially when the request of the persons who are similarly placed persons has been ordered by this Court in the writ petition in W.P.Nos.41836 and 41837 of 2016.

4. It is not in dispute that the facts are similar as that of the writ petition in W.P.Nos.41836 and 41837 of 2016.

5. Under the circumstances, the respondents are directed to consider the case of the petitioner treating them as a person appointed as a Forest Watcher in the regular time scale of pay from 1995 and this regularization is for the limited purpose of continuity of service to calculate the eligible period for pension.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of
Forest,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.P.Rajesh , Advocate SR.No. 86828
+1 CC TO GOVERNMENT PLEADER SR.NO. 85952

W.P.No.32560 of 2018

A.SK(08/02/2019)