

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.32562 of 2018

1. E.Dayalan
2. M.Devaraj
3. M.Rajamuthu
4. S.Gunasekaran
5. P.Subramani
6. V.Manickam
7. M.Jaganathan
8. K.Balaraman
9. P.Manoharan
10. K.Mani
11. N.Vilvanathan
12. P.Selvaraj
13. P.Elumalai
14. K.Rajamanickam
15. K.Dhanasekaran
16. G.Ramachandran
17. S.Devanbu
18. D.Santhi
19. K.Saravanan
20. A.Ramalingam
21. P.Muthaian
22. R.Appunu
23. R.Karuppaiah
24. L.Mani
25. P.Singaravel
26. B.Mallika

... Petitioners

versus

1. Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondents to appoint the petitioners as Forest Watcher from 24.01.1995 notionally by taking into account their seniority and qualification, on par with their junior Mr.Karuppan, 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

29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.S.Mani
For Respondents: Mr.K.K.Ramesh,
Government Advocate

ORDER

The petitioners were appointed on daily wage basis in the Forest Department as Plot Watchers/Social Forestry Worker during the year 1979 to 1985.

2. According to the petitioners, as per Tamil Nadu Forest Service Rules, the qualification required for holding the post of Forest Watcher is "ability to read and write".

2.1. While so, the Government issued G.O.Ms.No.332, dated 22.12.1994, imposing a new condition to pass SSLC for holding the regular post of Forest Watcher. As per the above said G.O., 425 SSLC qualified persons were appointed as Forest Watcher and the persons, who do not possess SSLC qualification were excluded, thereby, the juniors had marched over the seniors.

2.2. The said G.O.Ms.No.332 was challenged before the Tribunal by filing O.A.No.197 of 1995, where, interim stay was granted. By virtue of the interim stay, some of the persons, who were brought on regular time scale of pay as Forest Watcher could not join in the cadre post. During the pendency of the Original Application, the Government, in order to wriggle out of the situation, issued G.O.Ms.No.64 dated 08.03.1999 and restored the qualification of "ability to read and write" as prescribed in the Rule instead of SSLC.

2.3. Thereafter, the petitioners were brought into time scale of pay in the cadre post of Forest Watcher, after rendering more than two decades of painful service on daily wage basis.

2.4 While so, the similarly placed persons filed W.P.No.15561 of 2006 and W.P.No.23374 of 2008 seeking regularization of their service on par with their juniors and both the writ petitions were allowed.

2.5 Aggrieved against the said order, W.A.No.690 of 2008 and 607 of 2010 had been filed, which were dismissed.

2.6. The Government had implemented the above said orders passed by this Court and given regular time scale of pay to the similarly placed persons on par with their juniors with effect from 24.01.1995 onwards.

2.7 Seeking the similar benefits, the petitioners submitted a representation dated 23.06.2017 to the respondents. As the same has not been considered, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents submitted that regularization was permitted on earlier occasions without any monetary payment towards arrears and if at all, the Court is inclined to consider the regularization of the petitioners, the regularization can be considered only for the purpose of calculation of eligible period for pension.

4. Considering the facts and circumstances of the case and contentions made on each side, the respondents are directed to regularize the services of the petitioners in the light of the orders passed by this Court 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 29.03.2010, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that regularization of services of the petitioners shall be made notionally for the limited purpose of calculating the eligibility period for pension.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

+26ccs to Mr.S.Mani, Advocate, S.R.No.84679
+1cc to the Government Pleader, S.R.No.84680

WP.No.32562 of 2018

SSI (CO)
rrs 08/02/2019