

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Reserved on : 11.07.2018****Pronounced on : 20.11.2018****CORAM :****THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN****WP(MD) No. 6620 of 2018****WEB COPY**

S. Bal Pandi

... Petitioner

Vs.

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

2. The Principal Chief Conservator of Forest,
O/o. The Principal Chief Conservator of Forest,
Panagal Maligai, Chennai.

3. The Conservator of Forest,
Tirunelveli Circle, NGO Colony,
Tirunelveli District.

4. The District Forest Officer,
Tirunelveli Circle,
NGO Colony, Tirunelveli District.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the respondents to notionally absorb the petitioner's service as "Bird Watcher" from 15.02.1992 till the date of his retirement on 30.12.2012 and consequently direct the respondents to pay the arrears of salary and other consequential retirement benefits.

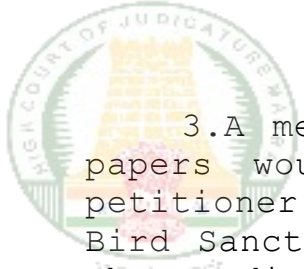
For Petitioner : Mr. Lajapathi Roy

For Respondents : Mr. J. Gunaseelan Muthiah, AGP

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that he was appointed on 15.02.1992 as a Bird Watcher at Kalakad Mundanthurai Tiger Reserve and has been working in the said capacity taking care of the birds in and around Koonthankulam Bird Sanctuary in Tirunelveli District. The Conservator of Forest, Tirunelveli Division and the Principal Chief Conservator of Forest, Chennai have recommended the absorption of the writ petitioner in the post of Bird Watcher. But then, the Government is yet to favourably consider the said proposal. In these circumstances, the present writ petition has come to be filed.



3. A mere look at the materials enclosed in the typed set of papers would go to show the yeomen service rendered by the petitioner in the cause of ecology. Any visitor to Koonthankulam Bird Sanctuary would testify to the work done by the petitioner. The traditional wisdom possessed by the petitioner and the great work done by him have been recognised in the media. Probably, that is why, the Conservator of Forest, Tirunelveli Region vide proceedings dated 08.12.2008 informed the petitioner that his case for absorption has been recommended by the Principal Chief Conservator of Forest by proceedings dated 24.11.2008 and that the proposal is still pending before the Government.

4. When the matter was taken up for disposal, the learned counsel appearing for the petitioner informed the court that the petitioner is being engaged in some project work and that he is being paid a sum of Rs.5,000/- per month. This Court is conscious that a direction cannot be issued to the Government to absorb the petitioner notionally and grant him pensionary benefits if the relevant service rules otherwise do not provide for it. But then, in appropriate cases, the Government can invoke its power of relaxation and grant some kind of relief. The fact remains that the petitioner is a great naturalist who is endowed with traditional knowledge. The fact remains that he has been engaged in sincere and outstanding conservation efforts at Koonthankulam Bird Sanctuary for the past several years. He may not have technically put in 10 years of continuous service as on the cut off date in the year 2006. But then, it would be great disservice to the cause of ecology and environment if the petitioner is not somehow retained in this cause.

5. The Government can pass orders so as to ensure that the petitioner is retained in some project or the other service so that he gets a decent income for his livelihood. The first respondent is directed to pass appropriate orders in favour of the writ petitioner by taking note of the observations made in this order. Such an order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of accordingly. No costs.

Sd/-

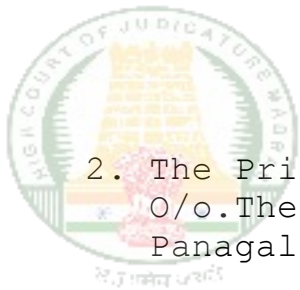
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Secretary to Government of Tamil Nadu,
Department of Environment and Forest,
Fort St. George, Chennai.



2. The Principal Chief Conservator of Forest,
O/o. The Principal Chief Conservator of Forest,
Panagal Maligai, Chennai.

3. The Conservator of Forest,
Tirunelveli Circle, NGO Colony,
Tirunelveli District.

4. The District Forest Officer,
Tirunelveli Circle,
NGO Colony, Tirunelveli District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.96262

SKM

VB/PM/SAR2/28.11.2018/3P/6C

WP (MD) No. 6620 of 2018
20.11.2018