

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1977 of 2013
& M.P.No.1 of 2013

1. The State of Tamil Nadu
rep. By its Secretary,
Forest Department,
Fort St. George, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet, Chennai.
 3. The Range Officer,
Social Forestry Range,
Forest Department,
Puliyangudi, Tirunelveli Division.
- Appellants/Respondents

Vs.

1. R.Murugaiah
 2. S.P.Muthupandi
- Respondents /Petitioners

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed by this Honble Court made in WP.No.265 of 2009 dated 05.03.2013. सत्यमेव जयते

Prayer in W.P.No.265 of 2009:Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner as permanent Forest Watcher and pay all back wages from 3.2.1995 with continuity of service and all other consequential benefits.

For Appellants : Ms.Thanga Vadhana Balakrishnan,
AGP (F)

For Respondents: Mr.K.M.Ramesh

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The Writ Petition filed by the respondents for issuance of a Writ of Mandamus directing the appellants herein to appoint them as permanent Forest Watcher and pay all backwages with effect from 03.02.1995 was allowed by the learned single Judge. The order dated 05.03.2013 in W.P.No.265 of 2009 is under challenge at the instance of the Forest Department.

2. We have heard the learned Additional Government Pleader for the appellants. We have also heard the learned counsel for the respondents.

3. The respondents made a claim before the Writ Court that they have been engaged continuously from 03.02.1995 along with other employees. The other employees were all regularised by the Department. Since the respondents were singled out, a Writ Petition was filed before the Writ Court. The Principal Chief Conservator of Forests has filed a counter affidavit. The counter affidavit contains a very clear statement that the respondents worked from 10.04.1985 to 08.09.1989 in the Social Forestry Division. Thereafter, they have been engaged as Village Social Forestry Workers. The Government appears to have disbanded the Social Forestry Scheme and instructed the workers to approach the Rural Development Department. It was only thereafter action was taken for regularisation of their services.

4. The services of the respondents were also regularised with effect from 07.08.2009. However, they have not been given retrospective regularisation taking into account their initial engagement.

5. We are of the view that the learned single Judge was justified in directing the appellants to regularise the services of the respondents with effect from 03.02.1995. Even the contention taken by the appellants before the Writ Court clearly supports the plea made by the respondents.

6. The further question is as to whether the respondents are entitled to the differential wages for the period in question.

7. After hearing the learned Additional Government Pleader on behalf of the appellants and the learned counsel for the respondents, we are of the view that interest of justice would be sub-served by directing the appellants to count the services of the respondents from 03.02.1995 for the grant of all service

benefits. However, the respondents would not be entitled to the differential salary and other monetary benefits for the period in question.

8. We make it clear that the respondents would be entitled to all other service benefits except monetary benefits as indicated above.

9. The intra Court appeal is allowed in part. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu
Forest Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet, Chennai.
3. The Range Officer,
Social Forestry Range,
Forest Department,
Puliyangudi, Tirunelveli Division.

+1cc to Mr.K.M.Ramesh, Advocate sr.71958
+1cc to the Special Government Pleader Sr.71845

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srg 09/10/2019